

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 1st August 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed. Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M. Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald. Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G. Raja of Bobbili, The hon. the Rajan, The hon. Mr. P. T. Kumaraswami Reddiyar, The hon. Diwan Bahadur S. Abdul Hameed Khan Sahib Bahadur. Ahmed Miran Sahib Bahadur. Alagannan Chettiyar, Rao Sahib A. S. Alamelumangathayaramma, Mrs. K. Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T. Basheer Ahmed Sayeed Sahib Bahadur. Basu Dev, Mr. C. Bayappa Reddi, Mr. P. Beyabani Sahib Bahadur, S. M. K. Bhanoji Rao, Mr. A. V. Birley, Mr. F. Davis, Mr. J. A. Devadasan, Mr. M. Dharmalingam Pillai, Rao Sahib V. Duraiswami Reddiyar, Mr. K. M. Ellappa Chettiyar, Diwan Bahadur S. Foulkes, Mr. R. Harischandrudu Nayudu, Mr. A. Hood, I.C.S., Mr. H. M. Indriah, Mr. C. Jagannatha Raju, Rao Bahadur G. Jagannatham, Mr. H. M. Jayaram Nayudu, Rao Sahib C. Jones, I.C.S., Mr. C. E. Kesavaramamurti Nayudu, Mr. K. Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P. Kolanda Reddi, Rai Sahib C. Koti Reddi, Mr. K. Krishnayya Choudary, Mr. P. V. Krishnan, Mr. C. Kuppuswami Choudari, Mr. J. Ladden, Mr. W. W. Lakshmana Reddi, Mr. G. Langely, Mr. W. K. M. Madanagopal Nayudu, Mr. R. Mahboob Ali Baig Sahib Bahadur. Mahmud Schammad Sahib Bahadur, Khan Bahadur.

Manikkavelu Nayakar, Mr. M. A. Moidoo Sahib Bahadur, Khan Bahadur T. M. Moses, Mr. P. C. Muhammad Meera Ravuttar Bahadur, K. P. V. S. Muniswami Nayudu, Diwan Bahadur B. Muniswami Pillai, Rao Sahib V. I. Murugappa Chettiyar, Diwan Bahadur A. M. M. Muthiah Chettiyar, Mr. M. A. Muthu Chettiyar, Rao Bahadur P. C. Nachiyappa Gounder, Mr. K. A. Nadimuthu Pillai, Mr. A. Pl. N. V. Nanjappa Bahadur, Subadar-Major S. A. Narasa Reddi, Mr. T. Narasimhaswami, Rao Sahib D. V. Narayanan Nambiyar, Mr. V. P. Narayanaswami Pillai, Rao Bahadur T. M. Natesa Mudaliyar, Rao Bahadur C. Palat, Mr. R. M. Pannirselvam, Rao Bahadur A. T. Parthasarathi Ayyangar, Mr. C. R. Patnaik Mahasayo, Sriman M. G. Pattagar of Palayakottai. Peddiraju, Mr. P. Pocker Sahib Bahadur, B. Premayya, Mr. G. R. Rajagopala Pillai, Mr. P. V. Ramachandra Padayachi, Mr. P. K. Ramakrishna Reddi, Mr. A. Ramalingam Chettiyar, Rao Bahadur T. A. Ramamurti, Rao Sahib Pandit Ganala. Raman Menon, Mr. K. P. Ramaswami Ayyar, Mr. T. S. Ramaswami Mudaliyar, Mr. V. M. Ranganatha Mudaliyar, Mr. A. Ranganatha Mudaliyar, Mr. G. Ranganatha Mudaliyar, Mr. M. D. T. Rangaswami Reddi, Mr. M. B. Ratnasabhapati Mudaliyar, Diwan Bahadur C. S. Sahajanandam, Swami A. S. Sami Venkatachalam Chetti, Mr. Sesha Reddi, Mr. B. P. Shetty, Mr. A. B. Simhachalam, Mr. Gade. Singam Ayyangar, Mr. K. Siva Raj, Rao Sahib N.

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PRESENT—cont.

Smith, C.I.E., I.C.S., Mr. E. Conran.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Stanes, Mr. F. J.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Srinivasan Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thangal, Mr. P. M.

Thomas, Mr. Daniel.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur V. N.
 Wright, Mr. W. O.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The
 Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Education

Appointment of a lecturer for the Law College, Madras.

* 20 Q.—Mr. M. DEVADASAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether a lecturer has been chosen for the Law College, Madras;

(b) how many candidates applied for the post; and

(c) whether Christians and depressed classes applied for the same?

A.—(a) Yes.

(b) & (c) The Government have no information as applications for the post were made to the Madras Services Commission.

Mr. M. DEVADASAN:—“ May I know if it is difficult for the Government to get this information and supply it to this House? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The agency for inviting applications and dealing with them is the Madras Services Commission and the Government have nothing to do with these applications at all.”

Mr. M. DEVADASAN:—“ When this House wants to have the information, are not the Government prepared to supply it to the House? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The Government do not think any very useful purpose will be served by asking for this information regarding the applications.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know if the appointment is not made by the Government? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes, on the recommendation of the Madras Services Commission.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Did the Commission recommend only one name? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Two names were sent up.”

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask what the number of applications received by the Commission is? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Government have no information."

Mr. V. T. ARASU:—" May I ask whether it is the policy of the Government to make these appointments merely on communal considerations irrespective of the qualifications of the candidates? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The appointments are made having regard to the qualifications of the candidates and communal considerations, whenever prescribed."

Grants to Mappilla Elementary schools in the taluks of Chirakkal and Kottayam.

* 21 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Minister for Education and Excise be please to state—

(a) whether it is a fact that the amount of grant given to the Mappilla elementary schools in Chirakkal and Kottayam taluks of Malabar district is only about 50 per cent of the amount recommended by the Deputy Inspectors concerned;

(b) if so, what the reasons are for such reduction; and

(c) whether the Government will be pleased to place on the table of the House a statement showing the amounts of grant given to Mappilla elementary schools in Chirakkal and Kottayam taluks, respectively, during each of the last five years?

A.—(a), (b) & (c) The Government have no information; the distribution of grants rests with the District Educational Council.

B. POCKER SAHIB Bahadur:—" May I know if the hon. Minister is aware that the reduction of these grants has seriously affected the education of backward communities? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I would suggest to the hon. Member that he must first address the District Educational Council of his district, as that is the body which deals with this matter."

B. POCKER SAHIB Bahadur:—" Is it not the duty of the Government to draw the attention of the Educational Council that the grants should be distributed on some equitable considerations? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Educational Councils will resent any such general direction as that. We have got rules and they have to distribute the grant according to the rules and they need not be told that they must be equitable in its distribution."

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B. PÖCKER SAHIB Bahadur:—"Will the Government enquire into the matter whether the distribution is in accordance with the rules or in violation thereof?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The hon. Member may first address the District Educational Council and, if he is dissatisfied with that answer, he can address the Government who will do all they can."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Will the hon. the Minister be pleased to state whether the Government have imposed any restrictions on the District Educational Council to grant these concessions up to a maximum of 50 per cent?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"They have."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not restricting the discretion of the District Educational Council?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The matter was fully considered and it was thought that there was nothing wrong in imposing that restriction."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Director of Public Instruction has called for the opinions of the District Educational Councils whether this 50 per cent is low and whether they would like to give the power to the Director of Public Instruction to grant the concessions up to 75 per cent?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware of it."

Mr. BASHEER AHMED SAYEED:—"Is it not a fact that cent per cent has been recommended by the District Educational Council?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Not after this Government Order was passed."

The hon. the PRESIDENT:—"These questions are not quite relevant."

Withdrawal of fee concessions admissible to Mappilla students of the Manjeri High School by the District Board, Malabar.

* 22 Q.—B. PÖCKER SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Malabar District Board has issued an order to the effect that full fees should be collected from the Mappilla students of Manjeri High School irrespective of production of poverty certificate;

(b) whether the Government are aware that 25 out of 47 Mappilla students of the said school have discontinued their studies owing to inability to pay full fees insisted on by the above order of the District Board;

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(c) whether the Government Order allowing half-fee concession to Muslim students on production of poverty certificate to the satisfaction of the head of the institution, is binding on the District Board; and

(d) if so, whether the Government have taken any action for the cancellation of the said order of the District Board?

A.—(a) & (d) The Government are not aware that any order particularly applicable to the Mappilla students of the Mahjeri High School has been issued by the District Board. The President, District Board, has, however, informed the Government that in order to balance its budget the District Board has felt compelled to restrict the number of pupils in receipt of fee concessions to 5 per cent of the total number of pupils.

As the whole question of fee concessions is at the present moment under examination by the Government no action has been taken on the President's report.

(b) The Government have no information.

(c) The rules relating to the grant of half-fee concessions apply to the Malabar District Board as to all other local bodies.

B. POCKER SAHIB Bahadur:—"May I know whether the Government realize that the resolution passed by the Malabar District Board is in violation of the rules, as regards half-fee concessions, passed by the Government?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes; to some extent in contravention of Rule 92."

B. POCKER SAHIB Bahadur:—"Is it not the duty of the Government to ask the District Board to cancel the resolution and to conform to the Order issued by the Government?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government cannot possibly enforce the order when they are told that the district board has no money."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not a fact that the grants under rule 92, given to compensate the income foregone owing to concessions given to pupils of backward classes, are included in the block grants allowed to district board schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The block grant represents the average of a certain number of years and it includes half-fee concession grant also."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Will the Government consider the question of giving the fees foregone by giving concessions, separately from the block grants?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am afraid it is not possible now under the existing financial stringency."

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Mr. ABDUL HAMEED KHAN:—" May I know whether the Government will pursue a policy of *laissez faire* if the district board doubles the fees instead of reducing it, in order to make up its revenue? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not know whether the Government can interfere with the powers of the district board. "

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the order referred to in clause (a) is applicable to only Mappilla students, or it is applicable to all backward communities? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" All backward communities. "

Sriman M. G. PATNAIK Mahasayo:—" Will the hon. Minister be pleased to say whether rule 92 has been abrogated altogether? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No. "

B. POCKER SAHIB Bahadur:—" May I know whether the district boards are free to violate the Government Order passed by the Government when they have no money? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They are not free to violate; they have only reduced the number of pupils getting the concession. "

Mr. P. V. KRISHNAYYA CHODARI:—" May I know if the hon. Minister is aware that district boards are very reluctant to give concessions to deserving students, because the actual expenditure under this head is not given to them by the Government? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware. "

Mr. BASHEER AHMED SAYEED:—" In view of the fact that the fee income from these 25 students will be very a negligible amount, will the Government direct the district board to give concession that is allowable under the rules? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As I have said in the printed answer the whole question of half-fee concession is under the consideration of the Government. "

Sriman M. G. PATNAIK Mahasayo:—" May I ask whether rule 92 is compulsory and whether every local board is bound to follow it? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is compulsory so far as I know. "

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the order refers to the Manjeri High School only? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" To all the district board high schools. "

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Will the hon. Minister be pleased to state whether it is the order of the district board or of the President of the board?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“It is the unanimous resolution of the district board.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“How many Mappilla members are on the district board?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“A number of them.”

B. POCKER SAHIB Bahadur:—“The hon. Minister stated that the question is under the consideration of the Government. May I ask how long will it take for the Government to come to a conclusion?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot make a prophecy; as quickly as we can.”

Excise

Proposals for the reorganization of the Excise Advisory Committees.

* 23 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether there are any proposals to reorganize the Excise Advisory Committees; and

(b) if so, what they are and when they are likely to come into effect?

A.—(a) & (b) With reference to the suggestions made by certain hon. Members in the course of the budget debate on the ‘Excise’ demand in the Legislative Council on 13th March 1933, the Commissioner of Excise has been asked to examine the question of the enlargement of the powers of Excise Advisory Committees. His proposals are awaited.

Number of liquor shops closed as a measure of prohibition.

* 24 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) what the number of liquor shops is that remains closed now in each district as a measure of prohibition;

(b) whether prohibition was tried in complete taluks and districts and, if so, where;

(c) how many liquor shops have again been reopened in Salem district in April last and on what grounds;

(d) whether the Government have issued strict instructions to the Excise officials in the matter of putting down illicit manufacture and illicit sales of liquor; and

(e) if so, what they are?

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and A. H. (a) & (c). The Government have not the statistics but have called for them.

(b) All arrack shops have been closed in Shiyali and Tiruturai-pundi taluks of the Tanjore district and Tiruvadanai and Paramakudi taluks of the Ramnad district. All arrack shops were closed in Tenkasi taluk of the Tinnevely district and the Auttur taluk (Salem), but have now been reopened as the experiment was a failure. All arrack and toddy shops were closed in parts of the taluks of Trichengodu and Namakkal and of the sub-taluk of Rasipur in the Salem district but have now been reopened as the experiment was a failure. In the Nilgiris district no liquor may be sold to any member of the hill tribes except on a medical certificate.

(d) & (e) The officers of the Excise Department are by the Excise Manual made responsible for the prevention of offences against the Excise laws.

Mr. V. T. ARASU:—"Will the hon. Minister be pleased to make a detailed statement to this House in which respects this experiment of closing the arrack shops in the Tenkasi taluk and of closing toddy shops in the Rasipuram taluk, has proved a failure?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The information is in the Administration Report; I have also given the information in detail before."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if the hon. Minister for Excise confesses that all measures intended to introduce prohibition as per the Legislative Council resolution have proved a failure?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Some of them."

Mr. V. T. ARASU:—"Will the hon. the Minister be pleased to repeat what he says he has stated on a previous occasion?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It will take about half an hour; I cannot give the information off-hand."

B. POCKER SAHIB Bahadur:—"It is not possible to understand what is meant by the statement that it has proved a failure, without some explanation."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If the hon. Member will give a notice of a question I will answer it."

Toddy-drawers of the East and West Godavari districts.

* 25 Q.—Mr. G. SRIRAMULU: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether there are two sets of toddy-drawers called sweet toddy-drawers and fermented toddy-drawers in the East and West Godavari districts;

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(b) whether each sweet toddy-drawer is permitted to draw fermented toddy provided he pays tree-tax; if so, from how many trees each sweet toddy-drawer is permitted to tap fermented toddy; and

(c) how many toddy-drawers were licensed to tap sweet toddy in Peddapur, Cocanada, Rajahmundry, Amalapur and Razole taluks in the East Godavari district, and in the Ellore, Chintalapudi, Tadepalligudem, Bhimavaram, Tanuku, Narsapur and Kovvur taluks in the West Godavari district in each of the years 1929, 1930, 1931 and 1932 and how many of them in each of the said taluks have paid tree-tax to draw fermented toddy?

A.—(a) Yes.

(b) Yes; each sweet toddy-tapper is allowed to tap three trees for the drawing of fermented toddy for his own bona fide domestic consumption but not for sale.

(c) The Government have not the information but have called for a report.

Mr. G. SRIRAMULU:—"Will the Government be pleased to place the report on the table of the House after it is received?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes; if the question is repeated by the hon. Member."

Sweet toddy-tapping in the West Godavari district.

* 26 Q.—Mr. G. SRIRAMULU: Will the hon. the Minister for Education and Excise be pleased to state—

(a) in how many villages in the upland area of each of the taluks—Ellore, Kovvur and Tadepalligudem—in the West Godavari district there is sweet toddy-tapping in the year 1933;

(b) what the upland villages comprised within the jurisdiction of each of the Excise Sub-Inspectors of Ellore, Tadepalligudem, Nidadavole and Kovvur are in which there was sweet toddy-drawing in the year 1933;

(c) the number of licences granted to draw sweet toddy in each of the villages mentioned in clause (b) and also the number of sweet toddy-drawers who paid tree-tax to tap fermented toddy from concession trees in each of such villages in the year 1933;

(d) whether there were any petitions of bribe-taking filed against the Inspectors or Sub-Inspectors of Excise in the West Godavari district in the year 1933, and if so, how many and against whom were they filed;

(e) whether the petitions were filed by sweet toddy-drawers or toddy shop renters or by both; how many of each class have been filed; and

(f) what became of the petitions; whether they were enquired into; if so, how many were enquired into and what the result is of the enquiry?

A.—(a) to (c) The Government have not the information but have called for a report,

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- (d) Yes; six petitions, besides a letter from the hon. Member himself were received by the Government in which allegations were made that certain Excise officers were taking bribes.
- (e) Four petitions purported to be from sweet toddy-drawers and two from toddy shop renters.
- (f) Two petitions were forwarded to the Commissioner of Excise for disposal. The remaining four petitions and the letter from the hon. Member have been sent to the Commissioner for enquiry and report. The Commissioner's report is awaited.

Mr. G. SRIRAMULU:—"Will the hon. Minister be pleased to place on the table of the House the report after it is received?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The same answer as for the supplementary question to the previous question."

Revenue under sale of toddy shops in the East and West Godavari districts.

* 27 Q.—Mr. G. SRIRAMULU: Will the hon. the Minister for Education and Excise be pleased to place on the table of the House the statistics of income to the Government by the sale of toddy shops and also by the payment of tree-tax by the sweet toddy-drawers in each of the years 1929, 1930, 1931, 1932 and 1933 in each of the East and West Godavari districts?

A.—The Government have not the statistics but have called for them.

Mr. G. SRIRAMULU:—"Will the Government be pleased to place the report on the table of the House as soon as it is received?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes."

Mr. T. S. RAMASWAMI AYYAR:—"Will the hon. the Minister for Excise consider the need for increasing and making tree tax, etc., uniform for the whole Presidency?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The question has been considered more than once, even quite recently, on account of some observations made on the floor of this House. We examined it and we have not found it possible to do so."

Mr. T. S. RAMASWAMI AYYAR:—"May I ask whether there is any policy with regard to the question of prohibition or temperance?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes."

Restrictions on the drawing of sweet toddy.

* 28 Q.—Mr. G. SRIRAMULU: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that sweet toddy-drawers were formerly permitted to draw sweet toddy throughout the year;

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(b) whether they are now permitted to draw sweet toddy throughout the year; if not, why not and from what date; and

(c) if the answer to clause (b) is in the negative, how long they have now been permitted to draw sweet toddy and when the change has been introduced?

A.—(a) to (c) The Government have not the information but have called for a report.

Mr. G. SRIRAMULU:—“ Will the Government be pleased to place on the table of the House the report after it is received? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes, if the question is repeated by the hon. Member.”

Agriculture

Appointment of Members of the Selection Committee of the Agricultural College, Coimbatore.

* 29 Q.—Mr. M. DEVADASAN: Will the hon. the Minister for Public Works be pleased to state—

(a) the personnel of the Committee appointed for the selection of candidates for admission into the Agricultural College at Coimbatore; and

(b) what the principle followed is in the selection of members of the Committee?

A.—(a) The following is the personnel of the Committee appointed for the selection of candidates for admission into the Agricultural College, Coimbatore:—

1. The Director of Agriculture (Ex-officio President).
2. The Principal, Agricultural College.
3. M.R.Ry. Diwan Bahadur T. Raghavayya Avargal, C.S.I., Madras.
4. M.R.Ry. Rao Sahib N. Siva Raj Avargal, B.A., B.L., M.L.C.
5. Yahya Ali Sahib Bahadur, B.A., B.L., M.L.C., Nellore.

(b) The selection of members is done with a view to getting a representative body of non-officials who are likely to be of assistance to the department in selecting suitable candidates of the right type to the college.

Rao Bahadur A. T. PANNIRSELVAM:—“ May I know how the interests of the Indian Christian community are safeguarded? ”

The hon. Mr. P. T. RAJAN:—“ The interests of Indian Christians are sufficiently protected.”

Rao Bahadur A. T. PANNIRSELVAM:—“ Which member on the Committee represents them? ”

The hon. Mr. P. T. RAJAN:—“ All the members of the Committee.”

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Mr. V. T. ARASU:—" May I ask whether the retired Government official who is on this Committee also comes under the category of non-officials on this Committee? "

The hon. Mr. P. T. RAJAN:—" Yes; they are non-officials."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Whom does Mr. N. Siva Raj represent? "

The hon. Mr. P. T. RAJAN:—" Depressed classes."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether any one of the non-official members represents the large Hindu community other than the depressed classes? "

The hon. Mr. P. T. RAJAN:—" Representation is given to minority communities and not to majority communities."

Mr. M. S. SRESHTA:—" Are selections made on communal representation? "

The hon. Mr. P. T. RAJAN:—" The interests of each community are considered."

Mr. M. S. SRESHTA:—" It was stated that Mr. Siva Raj represents the depressed classes. May I ask why no one has been appointed to represent the Indian Christian community? "

The hon. the PRESIDENT:—" That question has already been answered."

Mr. V. T. ARASU:—" May I know whether the hon. Minister is personally responsible for the selection of the members or whether the Director of Agriculture is responsible? "

The hon. Mr. P. T. RAJAN:—" The Government appoint the members of the Committee in consultation with the heads of departments. "

Rao Bahadur A. T. PANNIRSELVAM:—" The hon. Minister replied to me that all the members represented the Indian Christian community and he now says that Mr. Siva Raj represents the depressed classes. May I know who else represents communities other than Indian Christians? "

The hon. Mr. P. T. RAJAN:—" The members of the Committee will look after the interests of the various communities."

11-15 a.m. Mr. G. LAKSHMANA REDDI:—" May I know who, among the members of the Committee, represents the agricultural community of South India? "

The hon. Mr. P. T. RAJAN:—" At present, all the members of the Committee look after it."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether the hon. the Minister is aware that there was absolutely no complaint about the selection of candidates to the Agricultural College? "

The hon. Mr. P. T. RAJAN:—" I am aware, Sir, that there has been no complaint and that on the other hand there is every satisfaction that the claims of the various communities have been fully met."

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Mr. M. S. SRESHTA:—" May I know why, if a member of the depressed classes has been appointed to the Committee to safeguard the interests of the depressed classes, and why if a Muslim is there to represent the interests of the Muslims, an Indian Christian should not also be appointed to the Committee to represent the interests of the Indian Christians? "

The hon. Mr. P. T. RAJAN:—" Only three men could be appointed to the Committee, and as such, we had to nominate members from such of the communities as wanted representation."

Resolution regarding the free supply of ' Bordeaux mixture ' to the landholders of Puttur taluk.

* 30 Q.—Mr. A. B. SHETTY:—" Will the hon. the Minister for Public Works be pleased to state—

(a) whether the Government have considered the resolution communicated to them by the landholders' meeting held in Puttur on 29th April 1933 requesting free supply of ' Bordeaux mixture ' ; and

(b) whether they have passed any orders in regard to this matter?

A.—(a) The Government have received the resolution.

(b) They do not propose to sanction free supply.

Mr. A. B. SHETTY:—" With reference to the answer to clause (b) of the question, may I know whether the Government can reconsider the matter of the free supply of ' Bordeaux mixture ' ? "

The hon. Mr. P. T. RAJAN:—" In the present financial circumstances, it is not possible to reconsider the question."

Mr. W. K. M. LANGLEY:—" With reference to clause (b) of the question, will the hon. the Minister concerned consider the question of addressing the Government of India to remove the import duty on copper sulphate which is an important ingredient of ' Bordeaux ' mixture? "

The hon. Mr. P. T. RAJAN:—" The suggestion of the hon. Member will be considered."

Local Self-Government

Alleged maladministration of the Rasipur Panchayat, Salem district.

* 31 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have received any representations about the high-handedness and mismanagement of the President of the Rasipur Panchayat in the Salem district; and

(b) what those representations are, when they were received and what action the Government have taken on them?

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A.—(a) Yes.

(b) A few petitions from certain members of the panchayat board and a letter from the President, Taluk Board, Namakkal, have been received in the course of June 1933 and they have been referred to the President, Panchayat Board, for remarks on the various charges made against him therein.

Mr. K. A. NACHİYAPPA GOUNDER:—" May I know whether the reply of the president, panchayat board, has been received? "

The hon. the RAJA OF BOBBILI:—" We have not yet heard from him."

Mr. K. A. NACHİYAPPA GOUNDER:—" May I know if the Government have noted whether the allegations set forth in the petitions were serious? "

The hon. the RAJA OF BOBBILI:—" They are being investigated, and I am unable to say whether they are serious or not. A report has been called for and it is awaited."

Mr. BASHEER AHMED SAYEED:—" May I know whether the petitions are from a majority or a minority of the board? "

The hon. the RAJA OF BOBBILI:—" I am afraid I cannot answer the question without notice."

Irrigation

Estimates, etc., for the Torrigedda Project.

* 32 Q.—Mr. A. HARISCHANDRUDU: Will the hon. the Member for Revenue be pleased to state—

(a) when the proposal for Torrigedda Project was first made; whether estimates for the scheme have been prepared; if so, when and what the estimated amount is;

(b) what extent of land is expected to be brought under cultivation *under* this project;

(c) what the revenue hoped to be realized by Teervailu is; and

(d) what the causes are that led to the delay in the sanctioning of this work for such a long time?

A.—(a) The scheme (to relieve the lands lying in the basin of the Torrigedda stream from submersion during floods in the Godavari) was under the Chief Engineer's consideration between 1927 and 1931. In September 1931, he reported that the construction of an outfall sluice was roughly estimated to cost Rs. 1,20,000. Detailed estimates were not prepared.

(b) & (c) The object of the scheme is not extension of irrigation but the relief of the lands lying in the Torrigedda basin from submersion. (It was reported in 1931 that the scheme would save remissions to the extent of about Rs. 1,200 a year.)

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- (d) The proposal was abandoned in 1932 as it was reported that the ryots would not give any undertaking as to the payment of a contribution, that the outfall sluice, if constructed, would only afford relief for a few days in every year, and that even then local rainfall, if heavy, would nullify the effects of the sluice as local drainage would get blocked up.

*Erection of a culvert over a revenue channel in Venkatapuram,
Vellore taluk.*

* 33 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the villagers of Venkatapuram, Vellore taluk, of the North Arcot district, petitioned to the Collector of North Arcot for the erection of a culvert over a revenue channel passing through the village;

(b) whether the Collector had promised the erection of the culvert on payment of the contribution of one-fourth of the total cost of the construction;

(c) whether the villagers were asked by the Collector to assign the required lands to the Government; and

(d) what progress has been made in the erection of the culvert?

A.—(a) to (d) The Government have no information but have called for a report.

Land Revenue Administration

*Representation by the South Kanara District Landholders' Association
for the suspension of the resettlement operations.*

* 34 Q.—MR. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered the representation made by the South Kanara District Landholders' Association for suspending the resettlement operations till the present economic depression passes off; and

(b) whether any final orders have been passed in regard to this matter?

A.—(a) Yes.

(b) No. The Government have decided to consider after the publication of the scheme report the views put forward in the resolution as regards suspending the resettlement operations in South Kanara district.

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Mr. A. B. SHETTY:—" May I know whether the question referred to in clause (a) will not be a bit too late if its consideration is put off till after the publication of the scheme report? "

The hon. Sir ARCHIBALD CAMPBELL:—" I do not think so. The question of enhancing the rates will depend on the conditions shown in the scheme report and on conditions when the resettlement is introduced."

Mr. M. S. SRESHTA:—" Where is the necessity to await the publication of the scheme report? "

The hon. Sir ARCHIBALD CAMPBELL:—" I understand that the scheme report itself will embody certain recommendations in this regard, and those recommendations are therefore awaited."

Mr. M. S. SRESHTA:—" Is not the main object of the resettlement an enhancement of the present rate? "

The hon. Sir ARCHIBALD CAMPBELL:—" That is not the only object; there are other matters dealt with at resettlement."

Orders, if any, of the Government on the resolutions passed at the meeting of the landholders of Puttur taluk, held on 29th April 1933.

* 35 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the proceedings of the meeting of the landholders of Puttur taluk held on 29th April 1933 have been received by the Government;

(b) whether a copy of the said proceedings will be placed on the table of the House; and

(c) whether the Government have considered the resolutions passed at that meeting and passed any orders in regard to them?

A.—(a) Yes.

(b) A copy^a of the resolution is appended.

(c) An extract of resolutions Nos. 3, 4, 5 and 9 has been forwarded to the Board of Revenue for consideration when submitting its remarks on the scheme report of the South Kanara district.

As to resolutions Nos. 6 and 8 the hon. Member is referred to the answer to question No. 46 and as to resolution No. 7 to the answer to question No. 30.

Resettlement operations in the Salem district.

* 36 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) at what stage the resettlement operations in the Salem district are;

(b) when they will be completed and brought into effect;

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(c) whether there are any proposals with the Government to keep the introduction of the resettlement rates in abeyance until better times; and, if so, what those proposals are; and

(d) what the enhancement or reduction of the existing rates of assessment is that is proposed in the resettlement?

A.—(a) & (b) The introduction of resettlement in the seven southern taluks of the Salem district, viz., Salem, Attur, Rasipur, Namakkal, Harur, Tiruchengodu and Omalur is either due in 1934-35 or, where due in 1933-34, has been postponed to that year. Resettlement operations are now in progress in these taluks.

The resettlement of the northern taluks of Hosur, Krishnagiri and Dharmapuri is due in 1936-37 and that of the hill villages is due in 1935-36.

Resettlement operations are now going on in the hill villages, but no operations have yet commenced in the northern taluks.

(c) & (d) A definite decision as to the rates of assessment to be adopted at the resettlement, and the date of their introduction, will be made when the scheme report has been published for criticism and considered.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know when the scheme report is expected to be published?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I cannot say definitely; but I expect it will be published in the course of two or three months."

Extent of waste lands in South Kanara suitable for cashew cultivation.

* 37 Q.—Mr. M. S. SRESHTA: Will the hon. the Member for Revenue be pleased to state—

(a) what the extent of the Government waste land is in the South Kanara district;

(b) what use is made of it; and

(c) how much of it is suitable for cashew cultivation?

A.—(a) to (c) In 1918 the area of waste land at the disposal of Government in the South Kanara district was reported to be about 1,278,000 acres. The Government have no more recent or accurate information. The Collector then reported that the area did not represent correctly the extent available for cultivation, as it included large areas wholly unsuited for cultivation, such as laterite hill-tops and jungle; also land situated in malarial and unpopulated tracts; also Kumaki land. It would be impossible without an elaborate enquiry to ascertain how much of it is suited for cashew cultivation.

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Mr. M. S. SRESHTA:—"Is not the hon. the Revenue Member aware that the cashew cultivation has received considerable impetus of late?"

The hon. Sir ARCHIBALD CAMPBELL:—"Yes, Sir."

Mr. M. S. SRESHTA:—"In view of that fact, will he consider the desirability of having an enquiry made as to how the 1,278,000 acres can be utilized usefully for the purpose of cashew cultivation?"

The hon. Sir ARCHIBALD CAMPBELL:—"It is open to any one to apply for waste land; and if the hon. Member considers that Government should take certain steps to encourage the cashew cultivation, that is a matter which should be placed before the Minister in charge of Agriculture."

Mr. V. T. ARASU:—"The answer states that the Government have no information as to the extent of cultivable waste lands in the South Kanara district. May I know if the hon. the Revenue Member would have us believe that the Government have not got at their disposal information in respect of each district of this Province, regarding the total extent of waste lands, and the extent of cultivable waste lands?"

The hon. Sir ARCHIBALD CAMPBELL:—"It is not possible to say exactly what area of waste fields is really suitable for cultivation; they may include rocky land not suitable for cultivation."

Mr. V. T. ARASU:—"May I know from the hon. Member whether the statistics in the seasonal crop reports, published under the authority of the Government by the Director of Agriculture indicating the total extent of waste lands in each district, classified as suitable and unsuitable for cultivation, can be relied upon as accurate or not?"

The hon. Sir ARCHIBALD CAMPBELL:—"But they are not only lands at the disposal of Government but private lands as well. And the figures contained there must be correct."

Mr. M. S. SRESHTA:—"The answer states that the 'Government have no more recent or accurate information.' Will the hon. Member be pleased to call for up-to-date and accurate information from the Collector?"

The hon. Sir ARCHIBALD CAMPBELL:—"I think some such information will be obtained as a result of the resettlement operations now going on."

Mr. M. S. SRESHTA:—"Will the hon. Member consider the desirability of enquiring from the Collector what use can be made of these large extents of waste lands?"

The hon. Sir ARCHIBALD CAMPBELL:—"I think, Sir, that is a matter relating to the Agricultural department, not to the Revenue Department. We have now a department of experts for the development of agriculture in this Province and therefore any enquiry relating to agriculture should be taken up by that officer, and questions relating thereto should be addressed to my Colleague, the hon. Minister for Development."

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MR. M. S. SRESHTA:—"Would it not be better if the hon. the Revenue Member himself takes the necessary action? I think one department may certainly make a suggestion to another department."

The hon. Sir ARCHIBALD CAMPBELL:—"I think it is not necessary as the subject relates to the Agricultural department."

MR. V. T. ARASU:—"Arising from the answer given by the hon. Member, may I know whether there is any Minister for Development in this Province?"

(No answer.)

Rate of water-charge in the districts of Kistna and Godavari for dry inam and Government lands.

* 38 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state the rates at which irrigation of dry inam and Government lands with the help of Government water is charged respectively, in the resettled areas of Kistna and Godavari districts, and if the rates differ, why?

A.—The rates of water-cess are embodied in Appendix I-B, Part I to Board's Standing Order No. 4, paragraph 2, as amended by correction slip No. 9, dated 19th August 1932. The charges made for the irrigation of Government dry land are the same as those made for the irrigation of inam dry land, except in the following respect:—

The charge for a second wet crop raised on Government dry lands in the delta tracts is half the charge for a first wet crop, whereas the charge for a second wet crop raised on zamindari and inam lands, lanka and padugai lands, and Government dry lands in the upland villages irrigated with water of the Kistna or Godavari is the same as for the first wet crop. This follows the practice which has been in vogue for a long time.

MR. P. PEDDI RAJU:—"Considering the increased rate of water-cess imposed recently, will the Government consider the desirability of reducing the rates?"

The hon. Sir ARCHIBALD CAMPBELL:—"No, Sir."

MR. P. PEDDI RAJU:—"Are the Government aware that in the zamindari lands also the rates are as high as Government assessment, with the result that the zamindari ryots suffer by having to pay double the rate the Government charge?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am not aware what the rates of assessment in the zamindari land are."

MR. P. PEDDI RAJU:—"The rates in the zamindari lands are much more than the Government assessment. The Government ought to know that the zamindari rates are very high and that the tenants consequently suffer very much."

(No reply.)

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Levy of water charge for lands irrigated by jungle streams in the Rayadrug taluk.

* 39 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state whether lands irrigated by the aid of jungle streams in the village of Mechiri, Rayadrug taluk, Bellary district, were charged water-rates this year contrary to the practice obtaining hitherto, namely, of levying no charge for such irrigation; and, if so, why?

A.—The Government have not the information but have called for a report.

Permission for additional irrigation from Elandaikulam tank of lands under the ayacut of Nathiyunni channel.

* 40 Q.—MR. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) what extent and percentage in Nathiyunni channel ayacut has been permitted additional irrigation from Elandaikulam tank in Brahmadesam, Ambasamudram taluk, Tinnevely district;

(b) on what ground such extra facilities were provided when Nathiyunni ayacut is classed in first class source of irrigation;

(c) whether this concession was abused;

(d) where the drainage and excess of water in the special area go to;

(e) whether landholders adjoining this specially permitted area in Nathiyunni ayacut have been served with notices asking them to refrain from using the water from Elandaikulam tank;

(f) whether landholders resort to utilize Elandaikulam tank water from failure of supply in the Nathiyunni channel;

(g) whether this concession was ordered after the last settlement;

(h) whether protests have been made against this concession as being a source of trouble to Nathiyunni ayacut and Kakanallur channel ayacut landholders and what action has been taken regarding the same; and

(i) whether any inspection has been made by the Revenue Officers and whether they have advised cancellation of the special privileges and on what grounds?

A.—(a) to (i) The Government have not the information but have called for a report.

Increase to the ayacut under the Kakanallur channel in the Tinnevely district.

* 41 Q.—MR. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) what the area irrigated by Kakanallur channel in Brahmadesam village, Ambasamudram taluk, Tinnevely district, is according to the last settlement;

(b) whether any increase has been made in the ayacut area and to what extent;

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(c) whether special permission has been granted to landholders in Nathiyunni ayacut to utilize the water from Elandaikulam tank as a joint source and on what grounds;

(d) why were such special concessions granted when the Government had recognized in the last settlement the insufficiency and unsteadiness of Kakanallur channel supply;

(e) whether the grant of joint source supply from Elandaikulam affects the interests of Elandaikulam pattadars and Vandankulam tank supply; and

(f) whether Vandankulam tank has been assessed at low rates on the specific grounds of insufficient water-supply?

A.—(a) to (f) The Government have not the information but have called for a report.

Constitution of Rasipur into a taluk.

* 42 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) whether there are proposals to constitute again a separate taluk called the Rasipur taluk in the Salem district;

(b) if so, when is Rasipur likely to become a separate taluk; and

(c) why it is again made a taluk so soon after its conversion into a sub-taluk?

A.—(a) & (b) Proposals to restore the old Rasipur taluk have been received and they are now being examined by the Government.

(c) The taluk has not been restored.

MR. K. A. NACHIYAPPA GOUNDER:—“ May I know what considerations the proposals have been formulated so soon after Rasipur was converted into a sub-taluk? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ Certain memorials were presented to Government on the subject.”

MR. BASHEER AHMED SAYEED:—“ May I ask whether the proposals emanated from the Board of Revenue in this behalf? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ A report on the memorials received was obtained from the Board of Revenue.”

DIWAN BAHADUR S. ELLAPPA CHETTIYAR:—“ Will the hon. the Revenue Member be pleased to see that the Government expedite the examination of the subject and pass early orders thereon? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I shall do what I can to expedite the matter.”

MR. BASHEER AHMED SAYEED:—“ May I know the reason for the restoration of the taluk? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I should like to have notice of the question.”

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Public Service***Appointment of an upper division clerk as Superintendent in the Chief Secretariat in 1926.***

* 43 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that an upper division clerk of the Law Department was appointed as Superintendent in the Chief Secretariat in the last quarter of 1926; and

(b) if so, the name of the person so appointed with his qualifications and the pay drawn at the time of his appointment?

A.—(a) Yes.

(b) C. S. David, B.A. (Hons.), Rs. 110.

B. POCKER SAHIB Bahadur:—"May I know whether it was not with the object of giving communal representation that this gentleman, Mr. C. S. David, was raised to the post of Superintendent, from one department to another, over the heads of so many senior clerks of the same department?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am sorry, Sir, I am not able to give any information on the point. A search for the papers in connexion with this question showed that they have unfortunately been destroyed, and therefore I am not able to say what the reasons for the appointment were."

B. POCKER SAHIB Bahadur:—"Is it a fact that in 1926, there was not even one Christian Superintendent, and that was the reason for this gentleman being chosen from the upper division to the Superintendent's post?"

The hon. Sir ARCHIBALD CAMPBELL:—"As I have stated I cannot say what the facts were."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The hon. Member says that the papers were destroyed; were they destroyed in the ordinary course, or were they clandestinely destroyed?"

The hon. Sir ARCHIBALD CAMPBELL:—"In the ordinary course I believe."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. Member is in a position to deny that the appointment was made on communal considerations?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am not in a position to accept or to deny that statement."

Administration of Justice***Paucity of panchayat courts in South Kanara.***

* 44 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether in South Kanara there are many villages for which no panchayat courts have yet been constituted;

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(b) whether some of the villages subject to two different munsifs' courts have been grouped together and put under the jurisdiction of one panchayat court; and

(c) if so, whether there is any proposal to put an end to such unsatisfactory grouping?

A.—(a) & (b) The Government have no definite information.

(c) There is no such proposal before the Government.

Mr. A. B. SHETTY:—" May I know whether it is the policy of the Government to constitute panchayat courts for all villages? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" It depends on the recommendations of the Collector."

Mr. A. B. SHETTY:—" May I know whether the Government will consider the desirability of grouping the villages in such a way that villages subject to two distinct courts are not put in under one panchayat court? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I shall consider my hon. Friend's suggestion."

Electricity

Electrification of the town of Bhavani.

* 45 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state whether the electrification of the town of Bhavani has been completed?

A.—Yes.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know whether there is any proposal to extend the supply of power to Kumarapalayam Union town which is very close to Bhavani? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I am not aware of any such proposal."

Forests

Resolutions passed by the landholders of Puttur in regard to forest concessions in the reserve areas.

* 46 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether the attention of the Government has been drawn to the resolutions passed at a meeting of the landholders in Puttur on 29th April 1933—

(1) requesting the Government not to withdraw the privileges granted to the people in respect of reserved forests; and

(2) pointing out the necessity for clearing the growth of bushes in cattle grazing areas in reserve forests; and

(b) whether the Government have considered the request made in these resolutions?

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(a) Yes. (b) The first request was considered in connexion with similar representations made to Government. The latter has been forwarded to the Chief Conservator of Forests for consideration.

Mr. A. B. SHETTY:—"May I know whether the Government will place on the table of the House the report received from the Chief Conservator of Forests regarding the alleged abuse of the concessions?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"My Friend, Mr. Bhatt, is asking me certain questions; and I propose to answer them to-morrow. The answer to this question is included in to-morrow's answer."

General

Circular of Government regarding the participation of Government servants as members of the Anti-untouchability leagues.

* 47 Q.—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(a) whether any circular has been sent to Government servants stating that it is not desirable for them to become members of Anti-untouchability leagues; and

(b) if so, the reasons which have impelled the Government to send such a circular?

A. B. SHETTY:—"The attention of the hon. Member is invited to the Press Communiqué issued by the Government on the subject, of which a copy is appended."

Mr. A. B. SHETTY:—"May I ask whether Government will be pleased to place the circular on the table of the House for the information of the Members?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I do not think there is any necessity. The details are contained in the communiqué."

Mr. A. B. SHETTY:—"May I ask whether there is anything confidential in that circular?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"There is no point in it; I have given every information in the communiqué."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the agitation for the removal of untouchability and for temple entry constitutes an agitation for social rights, or an agitation for political rights?"

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The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ It is a matter of opinion. My hon. Friend is entitled to have his own.”

Dr. P. SUBBARAYAN:—“ If my hon. Friend thinks there is nothing confidential in the circular, will he be pleased to place it on the Table of the House? It will remove a lot of doubts, I think.”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ I shall consider the suggestion.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Does the Government suspect that this untouchability movement has got any political tinge in it? ”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ The Government consider that the movement and the counter-movement have aroused considerable feeling in the country and clashes may occur at any time between the opposing parties, necessitating the intervention of officers of the Government, in order to maintain peace.”

Police

Action of the Government on the reports relating to Police excesses in South Kanara.

* 48 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) what action the Government have taken on the reports of the District Magistrate of South Kanara and the Inspector-General of Police, Madras, made after enquiry held by them into the cases of Police excesses and illegalities during the last Civil Disobedience Movement in South Kanara in general and Mangalore in particular;

(b) whether the hon. Member will be pleased to place a copy of the reports on the table of the House; if not, will the hon. Member at least state what the nature of the reports is; and

(c) what the cause of the delay in passing the order is?

A.—(a) & (b) The necessary disciplinary action has been taken against the Police officers whom the Government considered to have been at fault in dealing with manifestations of the Civil Disobedience Movement. The Government are not prepared to place copies of the reports on the table of the House, as they are confidential.

(c) The delay in taking departmental action against the officers concerned was due to the fact that some of the matters in respect of which enquiry had to be held were sub-judice for considerable periods.

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know what the nature of the disciplinary action taken by the Government is and against which of the officers? ”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ On a former occasion I answered the question in this House about what we have done as regards the subordinate staff. I said on 22nd

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March last that disciplinary action has been taken against a sub-inspector and two constables in two cases. The orders of Government in other cases will issue on receipt of the Inspector-General's report following the departmental enquiry held by him at Mangalore. In reply to a further question as to the nature of the action taken, I said:

“The sub-inspector was reduced from the fourth grade to the fifth grade for six months and the constables' increments were withheld for six months. The report about the Superintendent of Police has been received and is being considered.”

If my hon. Friend wants to know what has been done with regard to the Superintendent of Police, I may tell him that he was reduced by three places in the gradation list of the District Superintendents in the Presidency.

11-30 a.m. Mr. U. C. SUBRAHMANYA BHATT:—“May I know as to what the charges are regarding which he was found guilty?”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

“The hon. Members know the reasons why the Government had to take disciplinary action. It is stated in general terms in the printed answer, namely: ‘The necessary disciplinary action has been taken against the Police officers whom the Government considered to have been at fault in dealing with manifestations of the Civil Disobedience Movement’.”

Report of the Inspector-General of Police in regard to Police excesses in Mangalore.

* 49 Q.—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(a) whether he will lay on the table of the House the report of the Inspector-General of Police following the departmental enquiry held by him at Mangalore in regard to Police excesses; and

(b) whether the Government have passed any orders on this report?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 48.

Selection of candidates for the posts of Sub-Inspectors and Deputy Superintendents of Police.

* 50 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Home Member be pleased to state—

(a) how many have been selected for the posts of Sub-Inspectors of Police and Deputy Superintendents of Police since 1st January 1932; and

(b) to which community each of such men belongs?

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A.—(a) & (b) A statement^a showing the number of Sub-Inspectors and Deputy Superintendents of Police selected since 1st January 1932 and the communities to which they belong is appended.

Mr. V. P. NARAYANA NAMBIYAR:—“ May I know why no member of the Depressed Classes was selected as Deputy Superintendent of Police? Is it because of paucity of candidates? ”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ According to the rule of communal rotation perhaps the chance for a member of the Depressed Classes did not come after 1st January 1932.”

Number of murders in Salem district in 1932.

* 51 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Home Member be pleased to state—

(a) what the number of murders is which took place in each taluk in Salem district in the year 1932; and

(b) how many in each taluk ended in conviction, how many were acquitted and how many are still pending?

A.—(a) & (b) The Government have no information but have called for it.

UNSTARRED QUESTION

Depressed Classes

Inclusion of the Thattan community of British Malabar in the list of Depressed Classes.

52 Q.—Rao Sahib Pandit GANALA RAMAMURTI: Will the hon. the Home Member be pleased to state whether the Government ever considered the question of including the name of the Thattan community of British Malabar in the list of depressed classes, if so, to what effect?

A.—No.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

NON-OFFICIAL BUSINESS.

* The hon. the PRESIDENT:—“ I understand that Mr. Devadasan is not moving his adjournment motion regarding the admission of the so-called untouchables into coffee clubs, etc., of which he has given previous notice. Mr. Basheer Ahmed Sayeed who has also given notice of an adjournment motion may raise the question to-morrow.”

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H.—A BILL FURTHER TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, AND THE MADRAS LOCAL BOARDS ACT, 1920, FOR CERTAIN PURPOSES (BILL NO. 25 OF 1931).

* Mr. F. BIRLEY:—“ Mr. President, Sir, I beg to present the Report * of the Select Committee on the Bill further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes (Bill No. 25 of 1931) and move—

—: *‘ that the Bill, as amended by the Select Committee, be taken into consideration.’*

“ Mr. President, Sir, I think I am right in saying that it is generally accepted both in this House and outside it that the present situation in regard to the taxation of motor vehicles in the Madras Presidency is, to say the least of it, unsatisfactory. I may say that when I introduced this Bill almost exactly a year ago, I did so not because I thought it was perfect but because I thought that as it grew older it might help at least to alleviate the very heavy burden of taxation from the shoulders of a very harassed industry. During the past year the Bill has been so badly mutilated that only the other day even its own godfathers threatened to disown it. It started with the intention of limiting the rate of district board taxation on motor buses to Rs. 100. But in the Select Committee it was bullied, worried, torn from limb to limb; and it is surprising that the Bill is alive to-day after the treatment it received in the Select Committee. And even now, in spite of the fact that during the Select Committee period myself and other sponsors of the Bill gave way as far as we possibly could give way, the Bill in its present form is the very least that the bus industry can possibly accept.

“ Mr. President, I shall not tire the House by reiterating the long arguments urged on the principle that taxation of motor buses should be so fixed as to provide the revenue required by the taxing authorities, the district boards and municipalities, without any reference to the power or the ability of the industry to bear that taxation. I shall content myself by saying that I hold what appears to me to be the very reasonable view that this form of transport should be taxed but that, in fixing the basis of taxation, all material circumstances should be taken into accounts. And I think it will be generally agreed that a very material circumstance is the ability of the industry to bear the tax. At present the average licence fee levied by the district boards throughout the 25 district board areas of the Presidency is approximately Rs. 1,150 per bus. In four districts it exceeds Rs. 2,000 a bus. On the basis recommended by this Bill as it has been revised by the Select Committee, the average licence fee will be approximately Rs. 880 and in no district will it exceed Rs. 1,000. Now, Sir, I told you that the interests concerned when initiating this Bill suggested a licence fee of Rs. 100, and in the Select Committee that Rs. 100 has been added to by Rs. 780. The interests that I was representing in the Select Committee reluctantly agreed step by step until at last it has risen from Rs. 100 to an average of Rs. 880. Rs. 880 is the average

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licence that the district boards will be able to levy if this Bill becomes law. At this point I would draw attention to the fact that if this Bill is not passed in existing circumstances the only limit the district boards have to their authority to tax is the sky, there is no roof, and there is no limit. And what this Bill hopes to do is to put a limit and that limit is agreed to be a very reasonable limit. As a matter of fact, I think, I have made it clear now that, from the bus-owners' point of view, this Bill leaves very much to be desired, and I understand that from the district boards' point of view it also leaves much to be desired. Personally not having any direct interest either way, I think both are right. Bus-owners will have to reconcile themselves to the fact that the district boards must have revenue; and on the other hand, the district boards will have to reconcile themselves to the fact that the owning of buses is after all a commercial enterprise with other objects than those of providing revenue to the district boards. The people who invest money and run buses are also hoping to make a living out of them which, in the present circumstances, I am credibly informed, is quite impossible. I would also remind hon. Members of this House that the revenue derived by the district boards from motor vehicles is not limited to the taxes levied by these boards, to which this Bill refers. The district boards also receive their share of the provincial taxation on motor vehicles and the licence fees which will be legalized by this Bill are in principle only intended to cover the cost of registration and the supervision of the buses. It is not intended to be a source of revenue. The revenue comes from the contribution they receive from provincial motor taxation. I think, taking these considerations into account, it must be agreed that while the maximum scale which the Bill permits is excessive as licence fees, the bus owning interests will look on them as a relief from the almost savage rate of taxation that now prevails in many districts. There is a large body of opinion that considers that this Bill should embody the principle that a licence fee should be nothing more than a nominal fee. While I have a deal of sympathy with this point of view, it is quite impossible for me to reconcile it with the necessity to give the district boards the authority to obtain a reasonable revenue from the buses that are using their roads. In conclusion, I would repeat that I do not consider that this Bill is by any means a final settlement of the present difficulty in regard to motor taxation; looked at from the bus-owners' point of view, it is a very small step in the right direction and it must not be looked upon as anything but a palliative measure."

MR. ABDUL HAMEED KHAN:—"Mr. President, Sir, in seconding the motion of the hon. Member, representing the Madras Chamber of Commerce, Mr. Birley, I wish to say this much that, as he has stated, there has been for a long time a question raised by those who interpreted the term 'licence fee' as meaning the amount intended to meet the expenditure involved in supervising and not in order to add to the revenue of the parties concerned, the district boards and municipalities. There have been differing judgments on this question, but certainly the opinion generally agreed upon is that the licence fee should not be construed to mean any additional revenue to the district boards and

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municipalities either for general purposes or for the mere purpose of maintaining the roads. When such was the case at a time when the question of abolishing tolls was considered, this question was brought up over and over again, and the then hon. Chief Minister, Mr. B. Muniswami Nayudu, was kind enough to assure us, members of the Conference and the Committee that he would look into the question and see whether it would not be possible for bringing into existence one consolidated tax in order to give relief to owners of buses and other commercial vehicles which are plying in the various district board and municipal areas.

11-45 a.m. “Unfortunately we were not able to achieve the object for which we were all aiming. In the meantime there was a change in the Ministry and the hon. the Chief Minister, the Raja Sahib of Bobbili, has been tackling the question and the Government has not yet come to the conclusion with regard to either the restoration of the tolls or the taxation of carts or any relief to the owners of motor vehicles which use the roads.

“Sir, the other question which is trotted out over and over again is that in these days of hardship and financial stringency nothing should be done by the Government which will result in increasing the rates of the local bodies. Well, I would say in this connexion, Sir, that the initial mistake was made by the Government in abolishing the tolls in order to please a few persons. (A voice: ‘It is a good thing.’) It is with the abolition of the tolls that the trouble came and now we have to seek ways and means of increasing the revenue of the district boards and the only way that the Government thinks of doing so is to see that the unfortunate bus-owners are over-taxed and taxed over and over again. It is in order to give relief to these unfortunate persons that this Bill was introduced by Mr. Birley and the object of the promoters of this Bill, as has been referred to by Mr. Birley, was to make definite the meaning of licensing fees and it would have been reasonable if the Select Committee had agreed to the relief by levying the licence fees up to a maximum of Rs. 100. But unfortunately the Select Committee had also to deal with the situation as it existed. It could not have taken any steps by which the rules of the local bodies could have been revised all on a sudden although the principle involved in this Bill had to be given the go-by in order that some adjustment may be made between those who thought that the licence fees should be merely licence fees and not calculated as a revenue and those who want to retain the revenues of district boards intact and increase it. It was only as a matter of compromise that the Select Committee endeavoured to reach these conclusions and I am sure, Sir, the presidents of local bodies who are in this Council and members of local bodies who are interested in their local bodies will agree and support the Government which has committed itself to the report of the Select Committee inasmuch as the Raja Sahib of Bobbili as well as Mr. Conran Smith who were on the committee have agreed to the report and I am sure that they will not go back upon any word of the Select Committee and that they would consistently pursue the same policy and not change anything in their report. Therefore, Sir, I hope that

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the hon. Members of this Council who are also presidents and members of district boards will accept this measure as a compromise measure and not raise questions of reductions of revenues affecting their respective local bodies. They will find from the report that what has been done is not to reduce their revenue considerably. There is no doubt that some district boards will lose the present revenue to some extent but there are others which will have an increasing revenue. There are certain district boards which are levying a licence fee of Rs. 400, Rs. 450 and Rs. 460 and even less. Those district boards are given the option of raising their licence fees much higher than what they are able to do at present. It will be their concern whether they can afford to increase the licence fee more than what they are getting at present. But at the same time the object of the promoters of the Bill and the Members of the Select Committee was to see that some unanimity was introduced with regard to these licensing fees. As it at present obtains the district board can raise the licensing fees to any extent. In some cases it has gone up to Rs. 3,000. In the neighbouring district of Chingleput the bus-owner has to pay a licence fee of a thousand rupees in addition to the provincial tax which he has to pay at present. It has not been possible for owners of buses and other commercial vehicles to run this trade with any profit. They have to get on and put these buses on the road because they have no other option. Such being the case I hope no hon. Member who is a member or the president of the district board will raise the question of revenues of local bodies in considering this Bill. I hope, Sir, the House will accept the report as it is with a few minor consequential changes that may be necessary."

* The hon. the RAJA OF BOBBILI:—"The amendments * which stand in my name attempt to meet some of the objections raised by the district

** Clause 3 (3) (a).*

The hon. the RAJA OF BOBBILI:—

In clause 3 for item (a) of sub-section (3) of section 166, substitute the following item, namely:—

"(a) in the case of a motor vehicle carrying passengers for hire—

- (i) with seating accommodation for not more than seven passengers, including the driver and the conductor, if any,
- (ii) with seating accommodation for eight or more passengers including the driver and the conductor, if any, and plying on routes or portions of routes in the district not exceeding thirty miles in length,
- (iii) with seating accommodation for eight or more passengers including the driver and the conductor, if any, and plying on routes or portions of routes in the district, exceeding thirty miles in length.

Seven rupees eight annas per seat (excluding the seat for the driver and the seat for the conductor, if any) for each quarter or portion thereof.

Ten rupees per seat (excluding the seat for the driver and the seat for the conductor, if any) for each quarter or portion thereof."

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boards. As has been pointed out by the Government in the proposed amendment, the present average rates of all the districts should not be raised. As the House no doubt is aware, the varying rates in different districts have been iniquitous. The principle of the Bill is to place a reasonable maximum on the rates which the district boards are permitted to levy. As representations have been made that the amendment standing in my name in actual practice results in raising the present averages in the districts, I do not propose to move it. In this connexion I wish to state that there is an apprehension in the minds of non-official Members that these proposals might result in a serious loss of revenue to local bodies. At present, Sir, under the Madras Motor Vehicles Act the maximum fixed per seat is Rs. 10. But Government have been levying only Rs. 7-8-0 per seat. And in actual working of the present Bill, if it is found that the local bodies are put to a serious loss, then Government propose to make good the loss as far as possible by levying the maximum rates which are permitted under the existing Act. Of course another objection may be raised that the loss to the various district boards will be uneven and disproportionate by raising the rate of the provincial tax as the proceeds will go only to the common pool and the districts would not be benefited or compensated in accordance with the proportion of the loss they incur. Without committing the Government I might say if after examination it is found that the loss suffered by the various districts is found to be disproportionate we will endeavour to evolve a system by which the extra tax realized by Government is distributed to various districts in proportion to the loss actually incurred. For these reasons, Sir, I do not propose to move the amendment standing in my name."

* Mr. V. T. ARASU:—"I rise to oppose the motion moved by the learned Member, Mr. Birley. We, in this House, are accustomed to hear statements from Members of Government when private measures of this kind come up before the Council. After hearing definite statements regarding the financial implications of the measure, I am surprised to find that the hon. the Chief Minister has not chosen to let this House know what effect this measure is going to have on the finances of the local bodies. The Government can very easily collect exact figures. They know the exact number of vehicles licensed in each district and the total amounts collected by the respective district boards. When these information are available, I wonder why the Government have not taken the pains to study the exact amount that is being collected by the various district boards by way of licensing fees, and what they will get if this Bill is passed into law. I feel that unless the Government is going to give an assurance to the House that the local bodies are not going to suffer any loss by passing this Bill into law I am afraid I will have to cast my vote against this Bill being taken into consideration."

* Mr. BASHEER AHMED SAYFED:—"I am surprised at the attitude adopted by my Friend, Mr. V. T. Arasu. I think, Sir, that this legislation has long been overdue. In fact when we took up the question

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of the abolition of the tolls, simultaneously with that this question might have been dealt with and the decision arrived at. Somehow it was omitted in the great hurry in which the Motor Vehicles Taxation Act was passed. Later on it was brought to the notice of the House by repeated representations and interpellations on the floor of the House that serious hardship was being caused to the bus-owners in the payment of licence fees which knew no limits.

“ This matter has been brought before this Council through reports made by Select Committees, and also through questions and answers it was elicited that in certain district boards the fee went up to about Rs. 3,000 per motor bus, and that it was in no district less than a thousand rupees. That being the case and finding that transport facilities had increasingly diminished on account of exorbitant and arbitrary licence fees imposed by district boards, it was thought necessary that there must be some maximum imposed with regard to the levy of this licence fee. The Bill was introduced by Mr. Birley; it went through the Select Committee, and the Select Committee's report is before the House. My Friend, Mr. Arasu, is not able to say in what respects the Bill does not come up to expectations. Sir, for one thing, the bus trade has suffered seriously on account of the licence fee. Secondly, the levy of a licence fee with a view to making an income to the district board was immoral and illegal. The legality was challenged in courts and the courts have given some relief. So, in order to remedy the present situation, it was thought desirable—and it was so in fact—that an amendment of the Local Boards Act and the District Municipalities Act should be made, and such an amendment is now before the Council. *Prima facie*, it may be that some boards may suffer in their income. But the question has to be settled whether the licence fee should be made a source of income by the district boards and municipalities. In certain cases, bus-owners had to pay double taxation, a certain amount to the municipal council within whose limits the bus was running and a bigger amount to the district board in which also it went; and if there was another district board through whose limit the bus had to run, there was a third payment of licence fee to be made. All this is great inconvenience to the bus-owners and also to the public who are resorting to that kind of conveyance.

“ There is also another aspect to be taken into consideration. The buses ply for the convenience of the travelling public. The number of buses had now diminished in large numbers. What do we find in many places? There is much overcrowding in the buses that run, as some of the buses went out of the road. Where there were 100 buses, only 40 or 50 buses are now running. That was a serious state of affairs. That was traceable to the very heavy licence fee imposed by district boards and municipalities. It is necessary in the interest of the public, in the interest of the bus-owners and in the interest of the motor vehicle trade—to be plain I say in the interest of the motor vehicle trade which ultimately leads to the convenience of the public because the larger the number of buses the easier it is for people to transport themselves

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from place to place—that a maximum should be fixed. If the bus-owners are able to run the buses on low maintenance charges, it will lead to lower rates being charged to passengers, thus increasing bus traffic. This is also obviously a great convenience. My Friend, Mr. Arasu, seems to have no information on that aspect of the question. There may be some force in the argument that at the beginning the district boards and municipalities will suffer a little by the fall in their income from licence fee. Even if this fee is to be called an income, I wish to point out that the larger the number of buses the greater would be the licence fee collected by the district boards and municipalities. After all, Sir, what is sought to be done is to bring into existence a uniform rate of licence fee in all districts. We are only fixing the maximum. It is open to the boards to apprehend that the loss of income will be very great to fix the maximum fee. All that is sought by this amendment is that they shall not exceed that maximum. There should be some reasonable maximum for the levy of licence fee. We do not want that there should be many more suits and appeals in the courts including the highest appellate court against this imposition of licence fee and thereby the district boards and municipalities to suffer by payment of exorbitant costs to the parties. In order to save all this trouble, I think the Bill, as reported on by the Select Committee, should be disposed of as early as possible.”

* Sriman M. G. PATNAIK Mahasaya:—“ Mr. President, I oppose the motion before the House. The thing is that unfortunately the Government does not wish to give a lead to the Council with regard to this question. Firstly, they ought to be in a position to say how the different local bodies will be affected by the amendment that is sought to be introduced by some people. The second thing is—probably it is too late for me to say so—that from the beginning I am of opinion that the very principle upon which this measure is based is unsound, and this is intended to benefit not the boards, not the bus-owners, not the bus-using public but only those people who deal in motor vehicles. It is only for their benefit that this measure is put forward in this Council. Of course, it is rather unfortunate that my Friends, Messrs. Hameed Khan and Basheer Ahmed, who seem to have nationalistic views in all other matters, do not perceive that they are playing into the hands of people who are seeking to take money from the people. (Mr. Basheer Ahmed Sayeed: ‘Question.’) Let us see whether the people will be benefited. Let us consider that in the first instance. Of course, Mr. Hameed Khan went to the length of saying that the abolition of tolls was a mistake. But of course you must remember that this measure also was introduced into this Council under the auspices of the very body which wanted the abolition of tolls, who thought that they would have better trade in motor vehicles. To their great discomfiture, in spite of the abolition of tolls, their aim could not be realized and the motor trade did not prosper. Now, they have adopted another method by trying to reduce the licence fee. Of course,

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no doubt, in some districts the licence fee has been much lower than what has been fixed by the Select Committee. But still they wanted to fix the licence fee at only Rs. 100. Therefore, mainly with a view to a larger sale of motor vehicles, this Bill has been introduced.

“ Then, let us take the case of bus-owners. Well, it is said that bus-owners are made to pay very large licence fees and that if the fee is high they may not be able to run the buses. It is not exactly that. Just consider what will happen if you reduce the licence fee. The result will be that a larger number of buses will come into the road and there will be unhealthy competition. What do we find now? They are allowed to charge a particular rate. How many bus-owners are able to charge that particular rate? They are forced to reduce that rate. The charge from Berhampur to Aska is fixed at Rs. 1-14-0. However they are able to charge only eight annas and even less sometimes. It is due to the unhealthy competition which compels them to reduce the rates. The result will, of course, be that more buses will be purchased by thoughtless people who do not know how to invest their money, and when these buses are put on the road in the hope of getting some profit, they find in a short time that they are unable to run the buses themselves. Therefore, if you reduce the licence fee, the immediate result will be that more buses will be purchased which will ultimately ruin the bus-owners themselves because of the greater competition. So, that aspect of the question we should not lose sight of.

“ Let us see whether the people will be benefited. Suppose the rates are reduced on account of unhealthy competition. No doubt poor people will get into the buses. But what will be the ultimate result? Poor people who were never in the habit of going in such conveyances will be tempted to travel in the buses on account of the low charges and thus they will waste their money which might be used more usefully by them. If they have got a few annas in their hands, on account of sheer laziness they will get into the buses instead of travelling otherwise, without caring whether that money is necessary for the maintenance of the families. Therefore, I say it will not benefit the people at all. These buses cannot run for any length of time because the bus-owners themselves will be ruined in course of time on account of the competition. So, the fee should be reasonably high so as not to tempt too many buses being put on the road and so that there will be fewer buses on the road, and so that people who are generally accustomed to use such conveyances may use them, instead of poor people being tempted by the cheap rate. If that is done, people who were using carts and other conveyances will not abandon them. Do you want that carts and bandies should go out of the road? (Mr. Basheer Ahmed Sayeed: ‘ That is very good.’) That is a very nationalistic view! Again if you put motor lorries at a cheap rate on the road, these carts which are now carrying heavy loads will not be there. Practically, the country traffic will be taken off the hands of the village cartmen. That is, of course, ruinous to the people in villages.

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“There is another principle on which I strongly condemn this measure. I think this Council ought not to interfere with the discretion of the local boards. The local boards are representatives of the people of the district. They know what the wants of the district are. If those people adopt a measure by a majority, I do not see why this Council should interfere with it. Well, if there are very high rates in certain districts and low rates in other districts, it goes to show that the wants of the people and the ability of the people to pay the amount are taken into consideration. I may bring to the notice of the Council that much stress was laid by the hon. Member, Mr. Birley, on ‘the ability to pay.’ I also lay stress upon that.

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“Their ability to pay must be deemed to have been taken into consideration by the local board which imposes a particular rate of licensing fee. Therefore, this Council without knowing the circumstances of each district ought not to fetter the discretion of local bodies by a measure of this kind. Then there will be financial dislocation and all that. Of course in some districts, the licence fee is levied at the high rate of 2,000 and 3,000 rupees. Now with regard to each bus, if the licence fee is reduced by 2,000 or 2,200 on account of this measure, then how will that board run? Moreover, every board now has to spend more money on the road, because the roads must be kept always in good repair. Otherwise there would be trouble, and buses cannot run. In these circumstances, I think the Council will be wrong in accepting the Bill at all. The discretion of the boards should not in the least be fettered. We should not presume that we know the needs of the people better than the people of the districts themselves.”

* Rao Bahadur A. T. PANNIRSELVAM:—“Mr. President, I feel I shall be correctly representing the feelings of the local boards, in particular, the district boards, when I say that the effect of this legislation would cause a grave disturbance to the financial equilibrium of district boards and thus give room for much disquiet and anxiety on the part of many a district board. Doubtless the statement made by the hon. the Chief Minister in the House just now, that he will endeavour to compensate the district boards for the loss which they are likely to incur by the passing of this measure may be a source of some consolation, but how far even the Chief Minister, with the reserve powers vested in him under the Act, will be able to better the resources of the district boards is very problematical. Apart from that, I wish particularly to refer or demur to the point raised by the hon. Mover of this motion and also the hon. Seconder, as to whether licence fees are to prove a source of revenue to the local boards or not. I cannot imagine wherefrom they got the idea that the district boards are not to use this source of revenue available to them. (Mr. Basheer Ahmed Sayeed: Court’s decisions.) They are entitled to use this licence fee as a source of revenue. I believe there are occasions when the Government themselves have advised the local boards to increase the licensing fees if they thought that the damage done to any particular roads necessitated such a course.

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“ There is also another aspect to be considered in dealing with this legislation and that is the aspect dealt with by Mr. Patnaik. How far are we going to restrict the growth and development of self-government in this country? We took considerable pains in passing what are called local self-government measures, the District Municipalities Act and the Local Boards Act, with a view to establishing local self-government and training our people in the art of governing themselves. The slogan is oft repeated, in season and out of season, about the sense of responsibility to be developed in the villager and the man living in outlying districts. But are we not, time after time, by making amendments to the Local Boards Act, interfering with the discretion of the local boards? What will this measure amount to except to restrict the discretion which has been vested in the district boards in the matter of fixing the licence fee? And after all, even in the existing Act, is it unfettered discretion? Is it not by the framing of by-laws that we have to fix the fee that could be levied on motor vehicles? And does any by-law become legally enforceable or valid unless it is approved by the Government? Already in framing rules to regulate our own conduct, to regulate our own source of income, we are subject to one restriction. Doubtless it is a wholesome restriction, and I am sure the local boards do not want that restriction to be thrown aside, and that is the restriction of having the approval of Government before any by-law is brought into force. But, if you are going to strengthen these fetters and cut down the powers given to the local boards under the Act, where are you going to stop? A reference was made to the fact that there was considerable difference in the rate of fees levied between district board and district board. May I take this opportunity of pointing out, Sir, that it is not merely between district board and district board that this variation exists? There is variation between one road and another in the same district. In the Tanjore district there is variation between one road and another and there is also a difference in the rates of fees levied. The reason for such variations is not due to a want of any sense of responsibility, but it is due to the fact that the local boards knowing local conditions, knowing the traffic passing that way and knowing the obligation imposed on them in the matter of keeping the roads in good repair, taking all matters into consideration, they levy the fees which vary from road to road. As far as Tanjore is concerned, there are, I believe, half a dozen roads and half a dozen rates. That does not show that they have no sense of responsibility about them. Laying down one uniform flat rate of Rs. 7-8-0 or Rs. 10 per seat as maximum will not work. There are roads in which a man will get an average income of Rs. 150 per day and there are roads where a man cannot get even Rs. 50 a day.

“ Then, reference was made to the illegal or iniquitous levy of fees adopted by the local boards. I believe I have been here long enough to realize that with certain Members of the House who have never seen the inside of a local body, it is a fashion to hold them up to ridicule,

[Mr. A. T. Pannirselvam] [1st August 1933]

people who have never been outside Madras city, always speaking from a high pedestal condemn the standards of taxation, standards of financial relationship and other standards of the poor and toiling district boards and local boards. This has become a fashion, so much so that we can well afford to ignore them for the time being. But I would only point out that this is going to be an interference with the powers which the local boards have been exercising, according to me, with a very high sense of responsibility. And if the bus trade has not prospered, as one would like it to, particularly as the motor trade would like it to prosper, I would say the cause has to be sought elsewhere than in the rates of fees levied by the district boards. I would trace the cause to the facilities the motor trade affords to any person who can come up to Madras, with say, thousand rupees. He can take away a bus worth Rs. 4,000 or Rs. 5,000 the balance to be paid on the instalment system. Other reasons for the difficult days of the motor trade are unhealthy competition and things like that which have been dealt with by previous speakers. I would only close by saying that before we pass any legislation affecting the resources of local boards, we must look at things from various angles, we should not confine our attention only to the prosperity of the motor trade and perhaps also of the bus-owner. We must not forget the fact that just yesterday, during the interpellation period, we were considerably perturbed on the want of financial stability of the local boards. So, we should not do anything to unstabilize the already tottering position of the local boards."

* Rao Bahadur T. M. NARAYANASWAMI PILLAI:—"Mr. President, Sir, if I rise at all, I rise only to voice forth the feelings of local bodies in this respect. We thought that, on the amendment given notice of by the hon. Chief Minister, he would certainly take up the cause of local bodies and try to avert the danger that is conceded to be threatening local bodies. But after what he has said, we, who represent local bodies, have no alternative but to oppose this measure. Everybody concedes that the finances would be dangerously affected. I do not know how my Friend, Mr. Pannirselvam, would try to interpret the words of the Chief Minister as affording some sort of consolation; on the other hand his words have begun to fill me with all sorts of apprehensions. I also join with Mr. Pannirselvam in demurring to the point raised by the Mover, viz., that the licence fees in the case of local bodies should be considered, not as a source of revenue but as a sort of compensation for the work of supervision supposed to be done by local bodies. If that were so, we should be glad to relieve ourselves from the burden of supervision. There are enough agencies under Government upon whom this burden may be thrown. But this has all along been considered as a source of revenue; and if there is one virtue in the present system it is this: that it gives room for the variations in the several districts to be given effect to at present. There is a serious danger in the adoption of the one uniform rate for the whole of the Presidency. As was very clearly explained, the importance of each

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road, the heaviness of traffic and the damage to the road have all to be taken into consideration. If in any case the Local Government should consider that the licensing fee to be levied is undoubtedly high or trespasses on the canons of good taxation, they are already armed with powers to ask the local body to lessen the rate.

“On the other hand, what is it that we are now going in for? The present system provides for varying degrees of taxation according to the varying conditions of districts and roads while leaving to the Government the power to make the local bodies conform to the right level of taxation. The Bill we are now considering would give no room for varying degrees of taxation suitable to the varying conditions of the districts. Therefore, Sir, I am compelled to oppose the motion. 12-30 P.m.

“Now, let us look into the history of this question. What has happened during these three years to compel these persons to come forward with this measure? Let us take the position before the introduction of the Motor Vehicles Taxation Act. Is it said that the Motor Vehicles Taxation Act has thrown an unduly severe burden of taxation so as to necessitate a Bill of this kind? Nowhere has it been said that that is the case. As a matter of fact, my own feeling is that the motor vehicles tax which was imposed in the place of toll-fees, is in no way higher than what these motor vehicle owners would have paid if the tolls had existed. I am clearly of the opinion that the level of taxation imposed by the Act is clearly lower than what it was under the old arrangement. Now, a bus-owner running his bus in one district only was paying Rs. 2 a day which comes to Rs. 720 a year, but he has now to pay under the Act only a smaller amount. The Motor Vehicles Taxation Act has not increased it; and as far as I am aware, during the last two or three years no district board has raised the licensing fees. All attempts during these two or three years have been to reduce the tax on motor buses. This shows that nothing has been done till now so as to adversely affect the motor trade or the motor traffic.

“Now probably, on account of the all-embracing economic depression, when even the railways are not prosperous, the motor trade is also having its share. But is it only the motor industry that is suffering? Are not the other industries also suffering? What about the agricultural industry which embraces the entire population? Who has come forward to reduce the level of taxation borne by that industry? Sir, this motor industry is after all one which is confined to a very small section and which is not one which intimately concerns the welfare of the agricultural population. And when we take into account the serious dangers which threaten the finances of local bodies, we have no choice but to oppose this Bill.”

* Mr. J. A. DAVIS:—“Sir, now that Government has withdrawn its amendment and have recently issued orders that the licence fees should cover only the expenditure incurred for licensing and ought not to be made a source of revenue, I do not think anything is going

A BILL FURTHER TO AMEND THE MADRAS DISTRICT
MUNICIPALITIES ACT, 1920, AND THE MADRAS
LOCAL BOARDS ACT, 1920

[Mr. J. A. Davis]

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to be achieved by this Bill. We are told that in the majority of municipalities the income now on a motor vehicle is something like Rs. 1,000 and that this measure will reduce it to Rs. 850. Further, it is a pity that this measure is going to be a handle for interfering with the rights of local bodies. If you are going to do something really good, there will be no objection. The introduction and passing of the Motor Vehicles Taxation Act was an initial mistake. All local bodies are seriously suffering on account of that Act. There is no use of our now trying to patch up the mistake by amending Bills of this kind. If the Bill is really going to do some good, we could have supported it. But that is not going to be the case as we see from the Mover's own statement. Therefore, it is inadvisable to take away from local bodies the discretion that is vested in them. Local bodies are more and more officialized and this is another step in that direction. I therefore consider that the Bill should not be passed and, if passed, it will be to no purpose."

* Mr. T. C. SRINIVASA AYYANGAR:—"The real point that emerges is that the finances of the local bodies will be seriously affected by the passage of this Bill. And after the statement made by the hon. Minister that he is unable to give figures regarding the various district boards as to how they will be affected, one would have naturally expected that the Government themselves would move for the postponement of consideration of this business for some time. (A voice: 'No.') A certain Friend says 'No.' His experience, I am afraid, is confined to the city of Madras. He has no knowledge of the extent of damage and deterioration the heavy motor traffic has caused to the roads in the districts necessitating very frequent repairs at greater and greater cost. Therefore in a financial measure like this when the reactions are likely to be great, one must move cautiously. I believe the Government must tell us what their alternative is to restore the equilibrium in the finances of the local bodies which are sure to be affected by a measure of this kind. In the absence of that information, it is difficult to make up one's mind. The question is of considerable importance and there is no reason why the matter should be hurried."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The Bill proposes to fix the maximum limit for levying licence fees. I consider that the rates of fees now levied are unduly low. My hon. Friends, Messrs. Pannirselvam and Narayanaswami Pillai, stated that even under the existing Act the Government had power under the by-laws to restrict the levy of licence fees by the local bodies. I may say that the by-laws have not the same authority as a statute. Further, as the Department of Local Self-Government is in the hands of a popular Minister he is perhaps unwilling to act on those by-laws and fix the limit. I wonder whether the Government have considered the implications of this Bill at all. Before passing this Bill we must take the practical aspects of it into consideration and see how it will affect the existing state of affairs. I ask Mr. Birley whether there has been any dearth of buses

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on any particular road in any district and whether there has been any complaint from any district or any section of the public that owing to heavy taxation buses could not ply on any particular road and that the charges levied for traffic have been very exorbitant. As a matter of fact, the rates seem to be unduly low, as Mr. Patnaik pointed out. This certainly seems to be the case, because the railway companies and the Government have begun to realize that buses are competing very successfully with the railways. This shows that, if there is anything wrong, it is not due to licence fees. This is clear from the fact that there are too many buses and not too few. When there are so many buses plying for hire, paying heavy rates of licensing fees as in Chingleput or Kistna, I cannot understand the necessity for a measure of this kind. In this connexion I must thank Mr. Birley for his honest statement that this Bill is more or less proposed in the interests of the bus industry. Now I would ask the hon. Minister whether he wants to support the motor industry and strangle the finances of the local bodies? This Bill, while it may improve the condition of the motor industry, would ruin the finances of the local bodies. As such, I would ask the Minister not to be a party to it. In fact, I would say that that should be the last aim of any Minister for Local Self-Government.

"Now coming to the remarks made by Mr. Patnaik, I must say that in some respects he overestimated the rate and in some others he underestimated it. He stated that the rate, according to the present Bill, will be Rs. 800. I am afraid it is a little bit exaggerated. In no local body we have buses carrying 25 passengers excluding the conductor and the driver. I request you to consider, Sir, how Rs. 600 will compare with the Rs. 2,000 or Rs. 2,500 which is being charged by the Chingleput or Kistna or Tanjore District Boards. What will be their position if Rs. 2,000 becomes Rs. 600? If a local body has now been getting Rs. 3,00,000 from this source, after this Bill is passed, it will get only a third of it. What will be the state of the administration of that local body if its finances are reduced to that miserable extent? The Motor Vehicles Taxation Act brought down their income by more than 50 per cent and if you now reduce it further by another 50 per cent, what will be the financial position of the local bodies? I want to know whether the Government or the hon. the Chief Minister or his energetic Secretary feel that the local bodies will be in a position to carry on the administration efficiently if their income is further reduced by this Bill. When I said Rs. 600 and odd I forgot to mention that it will be much less than that, because under the provisions of the Bill, if any bus plies in two districts, the licence fee will be two-thirds and one-third for the two local bodies respectively. The average will, therefore, be less than Rs. 600 and odd.

"So, Sir, with these few words I appeal to the hon. the Chief Minister in the interests of the general public and also in the interests of the minor district boards not to accept this measure. I am afraid that, if this Bill is passed into law, it will be the last straw to break

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the finances of the district boards. If it is the intention of the Government to demonstrate that the administration of the local bodies has been a failure, then they can accept this Bill. But, if it is the intention of the Government to make the local bodies stand at the stage in which they are, if not to improve them, then I am sure the Government will not accept this Bill."

* **MR. SAMI VENKATACHALAM CHETTI**:—"Sir, representing the City of Madras as I do, according to the representatives of the mufassal districts, I have no knowledge of inside of the local board politics. However, I venture to suggest that this measure, far from injuring the interests of the local bodies, is in a way calculated to stabilize the uncertain position which the local boards are having in levying licence fees. We have had the benefit of experience of my hon. Friend representing Coimbatore, Diwan Bahadur C. S. Ratnasabhapati Mudaliyar in the Select Committee and I think I am not betraying the confidence of the Select Committee and if I say that he did not then object to this measure and state that this will be 'last straw on the camel's back'."

DIWAN BAHADUR C. S. RATNASABHAPATI MUDALIYAR:—"As a matter of personal explanation, Sir. Even in the Select Committee I opposed it, and I also dissented. But unfortunately the report was not signed by me and if it had been signed by me, I would have added my dissenting minute. There was a Committee appointed by the Government and while on that Committee I opposed this measure. But in another Committee I merely said that the rates recommended by the Government were very low."

* **MR. SAMI VENKATACHALAM CHETTI**:—"I quite sympathize with the plight of the local bodies which have got to surrender a portion of their income to which they have long been accustomed. But it cannot be denied that certain pronouncements were made by Government—and they were also supported by the presidents of local bodies—in which they said that they were committed to a policy of consolidating all kinds of taxation so far as motor vehicles were concerned. It will be within the recollection of my hon. Friend from Tanjore that, when the Motor Vehicles Taxation Act was under discussion, there was some understanding between the Government and the representatives of the people with regard to the complaints made by several people as to the large amount of licence fees collected by the district boards, and that early steps would be taken to consult the district boards so that they might come to some arrangement with regard to the levying of licence fees on motor vehicles so that no particular section of the people had any room for complaint. It is one thing to say that the district boards will suffer on account of the revenues they will have to surrender if they lessen the licence fees and it is quite another thing to say that they (the district boards) should not be asked to lessen their licence fees on that score. My hon. Friend, Mr. Pannirselvam, is too much acquainted with the system of taxation and finance in other countries to be told

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that in no other countries excepting perhaps the Madras Presidency licence fees are considered to be additional sources of taxation to any local body. I would like to draw the attention of my hon. Friend to the pronouncement made by an hon. High Court Judge. I was going just to refer to it when my hon. Friend, Mr. C. S. Ratnasabhapat Mudaliyar, said that there had been no complaints from bus-owners that licence fees were heavy and therefore no question had arisen for introducing this measure. I am afraid he has forgotten the history of licence fees. There have been too many complaints against the levying of licence fees, so much so that some bus-owners took the matter in appeal to the High Court and I may for the benefit of my hon. Friend, Mr. Pannirselvam, read the extracts from the judgment of an hon. Judge of the High Court. This is what he says:—

‘The general and reasonable principle behind a licence fee imposed therefore is that in so far as a district board is ‘out of pocket’ by the extra cost imposed on its resource due to the activities of the business which it permits by its licence to be carried on it is entitled to recoup it by such a fee. This principle is subject to the other principle that the fee shall not be imposed merely in order to obtain revenue but must bear a definite and well-recognized relation to the board’s out of pocket expenses.’

“Several speeches have been made by hon. Members of this House as to whether licence fees are too high and whether they should be lowered or not. Even now the Government have the power, if they are so minded, to lessen the licence fee in a certain proportion with regard to the various local bodies. But then, as has been pointed out by my hon. Friend Mr. C. S. Ratnasabhapat Mudaliyar, that would place the Government in a very delicate position of trying to make a distinction between one district board and another and thus expose them to the criticism that the hon. the Chief Minister is favourably disposed towards a particular local body. In order to avoid that kind of misunderstanding it is very desirable that the matter should be left entirely to the local bodies concerned. The fear that local bodies will lose their revenue if they lessen the licence fees is not well founded. Granting that the revenues will fall, I am afraid in the first instance they ought not to have agreed to the abolition of tolls which we opposed. Mr. Pannirselvam, Sir, may I say, was one of those who supported the abolition of tolls? It is the abolition of tolls that led us to one difficulty or another. Of course I quite sympathize with the local bodies in their loss of revenue on account of the abolition of tolls. But that ought not to be compensated by a double taxation on motor vehicles. A comparison of taxation on motor vehicles in this country with that in other countries will demonstrate the injustice of very high taxation on motor vehicles in this country. One of the reasons advanced for not lowering the licence fees is that people cannot afford to buy buses because on account of the cheapness of travelling, the bus-owners will be losing their income and so much so they will not be inclined to buy buses. That is a very ingenious argument. That kind of argument can also be used the other way. If the villager wants to enjoy more convenience

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he will not mind paying a few annas more or a few annas less. That is a very important question and it cannot be compared with the heavy licence fees upon motor buses. It is said that the loss on account of the lessening of licence fees will affect the local boards much. A careful perusal of the figures will show that the average licensing fees will work at Rs. 880 as against Rs. 1,109. There will be a loss of Rs. 229 only. If the hon. Minister will look into the matter and if he is convinced that certain district boards will suffer on account of this measure, then he may try to compensate them. Apart from that, the reduction in the licensing fees will increase the number of buses and that may bring in additional revenue. In any case if this Bill goes through, we can watch the developments which the local bodies will be faced with and then, if possible, the Government can bring in a comprehensive Bill for raising the provincial taxation so far as the local bodies are concerned."

* Dr. P. SUBBARAYAN:—"I think the hon. Minister for Local Self-Government knew that this Bill was going to be taken into consideration this morning and we on this side of the House would have been more satisfied if he would have given us figures exactly to show in what way the finances of the local bodies would be affected. I believe he has not got such figures. Many presidents of local bodies who have been connected with them for a long time have been telling us that if this measure is passed into law, they will largely be affected. They have already been complaining that the passing of the Motor Vehicles Taxation Act has led to a large decrease in their income. If this decrease of revenue in regard to their licence fees is also to be put on the Statute Book, there is no doubt whatever that their finances will be largely affected. Mr. Sami Venkatachalam Chetti quoted that the average licence fees that the local bodies are getting are Rs. 1,190, but he does not take into consideration that there are roads and roads in this Province which have got to be maintained at a high cost of repair. I think my hon. Friend has not travelled wide on roads in this Province. If he has done that, he would realize exactly the difficulties with which the local bodies are confronted. The soil in this Province varies from district to district. If he travels in what is called black cotton soil, he will understand the difficulties of a particular local body which has got to maintain the roads in that area, especially when there is a heavy bus traffic. I believe before the introduction of bus, it was not necessary for the local bodies to repair the roads except once in two years. Now the local bodies concerned have got to relay their roads once in six months, and these roads are situated in localities where road metal is not easily obtainable. Metal has got to come from long distances and in such cases the price which the local bodies have got to pay is very high. I am sure even my hon. Friends who support the motor industry would not deny this fact that the heavy bus traffic makes it necessary for the local bodies to keep their roads in good repair. Therefore I

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would like to put it like this: even in the interests of the motor industry I do not think you would like to kill the goose that lays the golden egg. If the roads are to be kept in good repair and if the local bodies' finances are to be kept in the same state as they are, then they will not be able to repair their roads if this measure is passed into law and if their income is reduced. So far as the local bodies are concerned, several of their roads have become quite useless for bus traffic, and there will be no use of issuing licence because the roads will not be fit for bus traffic. Therefore the sale of buses is bound to go down. If we turn to the history of road making in this Province we will find that most of the roads will have to be made in either black cotton soil or loamy soil and buses will not be able to ply on such roads. Therefore even if the level of taxation is made low, it will not be possible for the bus-owners to run their buses on these roads. Nor would it be in the interests of the motor industry itself, because without proper roads they will not be able to sell their buses. With a view to coming to a proper agreement with the local bodies concerned, the Government should exert their influence to bring about such an agreement as to make it possible for local bodies to understand the implications that would result by the passing of this measure.

“Therefore, as far as I am concerned, I feel I must oppose this 1 p.m. measure, because we cannot afford to make the finances of local bodies worse than they are to-day. They are already feeling the pinch owing to the economic depression. If really we want the local bodies to carry on the services they do at present—because after all they are the people who serve the interests of the rural population and as has been said time and again, 90 per cent of our people live in rural areas—we should be loath to pass any measure which will, in any way, affect adversely the finances of the local bodies. It is on the financial prosperity of the local bodies that the prosperity of the rural areas depends. The local bodies cannot spread the modern amenities of sanitation, medical aid and education unless their finances are in good condition. Therefore, I would deprecate any measure which would have the effect of taking away from the rural population the amenities they have at present. Therefore, unless some agreement is arrived at with these local bodies, unless the local bodies can feel safe about their finances, I would personally oppose the measure.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“Sir, after listening to the discussion so far in the House and the attitude taken by the Government, it seems to me that it will not be proper to proceed with this measure further at this stage. The Government have admitted they have not got the figures with reference to the probable loss to the local bodies by passing this measure. But they have stated they would be able to compensate the local bodies with the help of their reserve power to increase the rate of provincial tax. Sir, more than

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one member connected with a district board and almost every member coming from outside Madras have opposed this measure, and said that the Government would not be able to help them. Moreover the Government have not got accurate up-to-date data regarding the probable loss to the local bodies by passing this measure. Further examination of the implications of this Bill is necessary before the Government can definitely say whether they can make good the loss that is likely to be caused to the local bodies. Therefore, it is not advisable to rush through this measure now and it should be postponed to the next meeting of the Council. Otherwise, every Member coming from outside Madras will be constrained to oppose this measure. The Government will have to see whether they cannot do something to meet the demands of both the parties—the motor industry and the local bodies. It is with that object that I want that this measure should be postponed.

“ I want to say a word with reference to those who want to proceed with this measure at once. They have been saying that in the interests of the people generally a reduction of the taxation ought to be made. Of course, Dr. Subbarayan has replied to that by pointing out that unless the local bodies were put in a sound financial position to enable them to maintain the roads in good condition, the motor industry will not prosper. Therefore, it is in their own interests, if we wait for some time so that we may have the facts and figures before us to judge whether the measure will help the bus trade or not. It is in that view I move—

‘ that the further consideration of this business be adjourned to the next meeting of the Council ’.”

* Mr. YAKUB HASAN:—“ Mr. President Sir, I second the motion of Mr. Ramalingam Chettiyar, for the adjournment of the further consideration of the Bill to the next session of the Council. When this question comes before us for further consideration, I hope, Sir, the House will be placed in possession of facts and figures that will enable it to come to a better conclusion than what would be possible to-day. I am myself in difficulty how to vote in this matter. The hon. the Chief Minister threw out a bait to the presidents and members of district boards to induce them to support this measure. He said that if by passing this Bill the revenues of the district boards were reduced as a result, then the Government will come to their help and raise the tax under the Motor Taxation Act from its present rate of Rs. 7-8-0 to the maximum rate of Rs. 10. If this is to be done, I do not see that the relief that is intended by this measure to be given to the bus-owners will be real relief, for by fixing the maximum rate of licence fees as provided in the present Bill, the buses will be paying less as licence fees, but they will be paying more in the form of taxation. The result will be that the buses will not in any way be benefited to any extent. The passing of the Motor Taxation

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Act was the greatest mistake that the present Ministry has made and this measure was only brought so that the great harm that was done to the motor transport industry may be undone to some extent. There is no use of applying such half-hearted remedies. The real mischief was done by passing the Motor Taxation Act and the real remedy will be that the Act should be repealed and the *status-quo ante* be restored when the district boards were charging tolls as they liked and levying licence fees as they liked. Yet there were no complaints at all and the motor transport industry was flourishing. No complaint was made about the heaviness of the licence fees or tolls. In order to avoid the little inconvenience that motorists were feeling at the toll-gates they agitated against it and no agitators have ever suffered the consequences of their agitation. In my opinion the Government would be very well advised in bringing at the next meeting a Bill repealing the Motor Vehicles Taxation Act. No other remedy will meet the case.

"It was said that this Bill had been brought more in the interests of those who deal in motor vehicles. It is a calumny to say that. I cannot understand that there should be any Member of this House to make such a serious libel against any body of merchants. What is the motor transit industry? Motor bus chassis are imported mostly from America, only very few come from Great Britain; most of them come from America and other places. The bodies are built in India. Most of the materials used is Indian and so much labour is put by Indians and it is Indians who own these buses. If any profits are being made, the money goes into the pockets of Indians. Among the dealers also of these buses there are many Indians. It is only a little money that goes out of India as the price for the chassis and the engines and nothing else. As long as India is not able to make these, we will have to go to foreign countries for them. Otherwise the motor transport business is purely an Indian business and if this industry suffers it is Indians who suffer and only a few Europeans who are dealing in motor cars. Therefore I have much pleasure in seconding this motion for adjournment of the further consideration of this Bill."

* The hon. the RAJA OF BOBBILI:—"Sir, much has been said about the fact that the Government have not been able to place accurate figures before the House. When the Bill was first referred to a Select Committee, the Government addressed the local bodies and received up-to-date figures at that time. They made a rough calculation on the data available and estimated that the loss under the Bill to the various district boards would be about four to five lakhs. But now, it is nearly four to five months since those figures were received and they have become out of date. As I have already stated to the House, I anticipate that in case there is a serious fall in income to the district boards, it will be possible to make good a major portion if not the whole by increasing the rates of provincial taxation. I

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believe, Sir, already the law of diminishing returns has been operating. Even if we adjourn the consideration of this measure to the next meeting, we will not be in possession of more accurate information than we have at present. I therefore desire that as already a great deal of time has been spent by the Select Committee on this measure the House should take this opportunity to express its opinion on the proposals."

* Mr. T. S. RAMASWAMI AYYAR:—"Sir, I desire to support the motion of Mr. Birley that the Bill be taken into consideration at once."

* The hon. the PRESIDENT:—"I think it is much better to put the adjournment motion to the vote of the House before we go on to discuss the main motion."

* Mr. T. S. RAMASWAMI AYYAR:—"Sir, I desire to oppose the motion for adjournment. Certainly I am one of those who feel that hasty legislation should not be resorted to, but the measure before us cannot by any means be called hasty legislation. This Bill was published in the *Fort St. George Gazette* in English on 17th November 1931, the Select Committee met on 10th February 1933 and the final report was adopted on 10th March last. Now we are in August and I do not think that anybody can complain that we are rushing through this Bill. On the other hand, the matter is very simple. The facts are all available; of course it is a pity that the latest figures are not available from the various districts. Whatever that may be, it is high time that we decided the question whether it should be the policy of the Government to allow the local bodies to look to the motor industry as a source of revenue.

1-15
P.m.

"As has been decided by the Courts, licensing fee should never be considered as a source of revenue. Of course as regards the out-of-pocket expenses which the local bodies incur, they are entitled to be re-imbursed. But then the motorist can very well ask back 'what are the facilities afforded to me.' Will I be able to get my money's worth from the Government?" We have all talked about the rights and privileges of the local bodies; we have considered the question of the motor trade. We have not considered the question of the user of the motor car. As regards ordinary cars, which are owned by private individuals, their question has been settled. The ordinary motorist knows now that he has got to pay a certain fee as tax to the provincial revenues, about Rs. 25 a quarter. What about the poor man? He cannot afford to own a car; he is very much talked of in connexion with rural reconstruction. How are we helping the villager: the villager does not get any facilities. If it is a question of hospitals, hospitals are built in the headquarters; if it is a question of good roads, we have them only in the cities. If it is a question of railways, they do not go into the interior of the districts. What are the facilities afforded to the villager? Does he get anything in return for the taxes he pays? Even as a user of motor-buses, does

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he get back a return for the money he pays? The user of the bus has indirectly to pay all the money the bus-owner has to pay. The first thing that we have to consider is that the Government is getting its revenue not from the licensing fee, not even from the provincial tax, but from the petrol tax. Something like 10 annas per gallon of petrol is taken from the user of the motor-buses”

Mr. V. T. ARASU:—“On a point of order, may I know if the hon. Member is speaking on the motion before the House, that the consideration of the Bill be adjourned?”

* The hon. the PRESIDENT:—“The hon. Member will do well to confine his remarks to the motion before the House, namely, the adjournment motion.”

Mr. T. S. RAMASWAMI AYYAR:—“I was saying that a matter like this should be considered expeditiously by the House. It is for this purpose that I was referring to those points. It is our duty as legislators to consider the question now and come to a decision. We should not put off the consideration of the question. If it is a question of the private motor car owners, or if it is a question of the motor trade, or if it is a question of the local boards' financial position being affected, we are prepared to rush through legislation. But if it is a question of the poor ryot or agriculturist, who is the user of the buses, we postpone it. It is the bus alone which goes into the interior of the districts, which is the conveyance of the poor people. The bus is the poor man's conveyance and it is a speedy conveyance. I hope therefore that this matter will not be put off. If it is a question of adjusting the rates, certainly it is open to Members to give notice of amendments. If the sum of Rs. 7 or Rs. 8 is considered too low, it is open to a Member to suggest Rs. 8 or Rs. 9 or whatever it is. Personally I feel that at least in one respect, the maximum fee is too low in the case of lorries owned by private individuals. That is a matter of detail. It is not a matter of general principle affecting the Bill. I think it is incumbent upon us to decide the question now.”

* Diwan Bahadur B. MUNISWAMI NAYUDU:—“Sir, I am sorry for the attitude taken up by the Government towards this very reasonable request from this side of the House that this Bill which is introduced by a private Member, should be given the chance of being considered in all its various aspects. I think the hon. Minister gauged the depth of feeling of Members even on his side, who were and who are presidents of district boards now. Hon. Members, Messrs. Pan-nirselvam and Ratnasabhapatil Mudaliyar, who have spoken against this Bill, expressed grave apprehensions about the possible loss that will accrue to the local bodies from the experience they have had in the past. Nothing can be said against them that they want that the matter should be considered unfairly as against the interests of bus-owners and bus-traders. They speak with experience. They

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are not now the presidents of the district boards to think that by continuing this kind of agitation, they could go on continuing as presidents. There are others, for instance, Mr. Narayanaswami Pillai of Trichinopoly, who are still presidents of district boards and who are not satisfied. His opposition could not be considered as factious opposition from the Opposition Benches. They have stated that they do not know exactly where this legislation will lead to; they have their own apprehensions as to what extent the local boards will be put to loss. The amendment tabled by the hon. the Chief Minister has been withdrawn by him after hearing the various representations made by trade interests. There are Members here who are interested in local bodies; there are others like Mr. Ramaswami Ayyar who are interested in the villages. The hon. Member, Mr. Narayanaswami Pillai, expressed great concern at the fact that the Government withdrew their amendment. Therefore he said that he had no other alternative but to oppose the Bill. We may consider whether there is any other alternative proposal. We have also to consider whether the district boards will suffer or not. All that we want is to have some more time for those who are interested in the matter and for those who are interested in local bodies, both directly and indirectly, to consider over the matter carefully. We are anxious that the principle of the Bill should not be jeopardized, and as the hon. the Leader of the Opposition said, some opportunity should be given to all the interests concerned to put their heads together and to see to what extent the Bill can be amended and improved. My hon. Friend, Mr. Ramaswami Ayyar, in fact stated the case for adjournment when he said that in his opinion the maximum limit in the schedule was low and that it should be raised if possible. That is why we ask for adjournment. The Government had tabled an amendment after considering the representations made by the various local bodies and if the Government at the last moment withdraw their motion and if we are not able to make a change which can take the place of that amendment, we are entitled to ask for adjournment, so that the hon. the Chief Minister may be able to tackle the question taking into consideration the feeling of the Members from his own ranks and of those who are in charge of local bodies and put forward adequate proposals in consultation with Members. Yesterday the Members interested in the motor trade approached the hon. Minister to consider to what extent his amendment would be prejudicial to them. At the same time I thought that the hon. the Chief Minister, as one responsible for the administration of local bodies, would have taken care to consult the Members of his party who are in charge of local bodies and to find out whether his action would be approved by them. Evidently he did not consult them or he was not able to come to a satisfactory decision. We only want that some time may be given for all the parties to see that things are set right. My hon. Friend, Mr. Ratnasabhapaty Mudaliyar, said that, if the rates are put a little higher, it may be possible for the local bodies to accept them. I therefore think that there is a very good case for adjournment

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of the consideration of the Bill. But if the hon. Minister wishes to rush through the Bill in spite of the opposition of the Members on his side, it is left to him to do so."

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

* The hon. the PRESIDENT:—"The discussion on the motion for the adjournment of the business might continue. (After a pause.) I think the House is now ready for a vote.

"The question is that the further consideration of this business be adjourned to the next meeting of the Council."

The motion was put to the House and declared lost. Mr. P. V. Krishnayya Choudari demanded a poll and it was taken with the following result:—

Ayes.

- | | |
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| 1 Mr. V. M. Ramaswami Mudaliyar. | 15 Mr. U. C. Subrahmanya Bhatt. |
| 2 " P. Bayappa Reddi. | 16 " P. Madhusoodhanan Thangal. |
| 3 " G. Lakshmana Reddi. | 17 Diwan Bahadur B. Muniswami |
| 4 Dr. P. Subbarayan. | Nayudu. |
| 5 Mr. Yakub Hasan. | 18 Mr. K. P. Raman Menon. |
| 6 " K. R. Venkatarama Ayyar. | 19 Diwan Bahadur C. S. Ratnasabha- |
| 7 Rao Bahadur T. A. Ramalingam | pati Mudaliyar |
| Chettiyar. | 20 Mr. M. S. Shreshtha. |
| 8 Mr. V. T. Arasu. | 21 " C. Indriah. |
| 9 " M. A. Manikkavelu Nayakar. | 22 Sriman M. G. Patnaik Mahasayo. |
| 10 " A. B. Shetty. | 23 Mr. J. Kuppaswami Choudari. |
| 11 " P. Peddi Raju. | 24 " P. V. Krishnayya Choudari. |
| 12 " K. A. Nachiyappa Gounder. | 25 " G. Sriramulu. |
| 13 Ahmed Miran Sahib Bahadur. | 26 Rao Bahadur T. M. Narayana- |
| 14 Mr. A. Pl. N. V. Nadimuthu Pillai. | swami Pillai. |

Noes.

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| 1 The hon. Sir Mahomed Usman. | 19 Rao Sahib N. Siva Raj. |
| 2 " Diwan Bahadur Sir M. | 20 Subadar-Major S. A. Nanjappa |
| Krishnan Nayar. | Bahadur. |
| 3 " Sir Archibald Campbell. | 21 Rao Bahadur R. Srinivasan. |
| 4 " Mr. H. G. Stokes. | 22 Rao Sahib V. I. Muniswami Pillai. |
| 5 " Mr. P. T. Rajan. | 23 Mr. B. P. Sesha Reddi. |
| 6 " the Raja of Bobbili. | 24 " P. C. Moses. |
| 7 Rao Bahadur G. Jagannadha Raju. | 25 " P. V. Rajagopala Pillai. |
| 8 Mrs. K. Alamelumanga Thayaramma. | 26 " P. K. Ramachandra Padayachi. |
| 9 Rao Bahadur V. N. Viswanatha | 27 Rao Sahib V. Dharmalingam Pillai |
| Rao. | 28 Mr. A. Harischandrudu. |
| 10 Mr. J. A. Thorne. | 29 " K. Kesava Ramamurti. |
| 11 " H. M. Hood. | 30 Rao Sahib D. V. Narasimhaswami. |
| 12 " C. E. Jones. | 31 Swami A. S. Sahajanandham. |
| 13 " R. Madanagopal Nayudu. | 32 Mr. H. M. Jagannadham. |
| 14 " E. Conran Smith. | 33 Rao Sahib P. Subrahmanyam Chetti. |
| 15 " T. Sundararao Nayudu. | 34 Mr. M. A. Muthiah Chettiyar. |
| 16 Khan Sahib Syed Tajudin Sahib | 35 " A. V. Bhanoji Rao. |
| Bahadur. | 36 Diwan Bahadur A. M. Murugappa |
| 17 Mr. M. D. T. Ranganatha Mudali- | Chettiyar. |
| yar. | 37 The Zamindar of Mirzapuram. |
| 18 Mr. K. C. M. Venkatachala Red- | 38 The Zamindar of Bodinayakanur. |
| diyar. | |

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Noes—cont.

39 Mr. A. Ranganatha Mudaliyar.	45 Mr. R. Foulkes.
40 Rao Bahadur C. Natesa Mudaliyar.	46 „ C. Krishnan.
41 Mr. C. R. Parthasarathi Ayyangar.	47 „ Sami Venkatachalam Chetti.
42 „ F. Birley.	48 „ Basheer Ahmed Sayeed.
43 „ W. W. Ladden.	49 „ T. S. Ramaswami Ayyar.
44 „ R. M. Palat.	50 „ Abdul Hameed Khan.

Ayes 26. Noes 50.

The motion was lost.

* The hon. the PRESIDENT:—“ The discussion on the main motion will now continue.”

* Mr. T. S. RAMASWAMI AYYAR:—“ Mr. President, Sir, I desire to support the main motion that the Bill be taken into consideration. I do not propose to reiterate the arguments that I advanced when I spoke against the motion for adjournment. It is enough for my purpose to state that the Legislative Council as a body that is committed to a policy of improving the amenities of the people, should try to see that the poor man gets his conveyance. As regards the rates that have been fixed, they have been fixed by the Select Committee after going into the question in detail. I find from the note of the Select Committee that except my hon. Friend, Mr. Muniswami Nayudu, all the Members have voted in favour of the Committee's report *in toto*. My friend, Mr. Muniswami Nayudu, merely states that he is in favour of the principle of the Bill but that he thinks that the rates proposed as maxima should be increased. I do certainly agree with him in some of the details; for instance, with regard to the lorries owned by private individuals, the maximum fixed in the Bill is very low. They have fixed it at something like Rs. 1-4-0, which I should say is much too low; for lorries do as much harm to the roads as buses. It may be that lorries are useful in an agricultural country where the agricultural produce has to be taken long distances for marketing. But, at the same time, there must be a sense of proportion in these matters, and the rates fixed in the Bill are certainly very low. I therefore think that as between the Members of the House on both sides, it should be possible to agree to certain rates and make certain alterations in the rates. I appeal to the Mover of the Bill himself and to the other Members to come to an arrangement with regard to the raising of the rates where they are very low. Except for that, I think we should vote for the Bill as it stands. The Bill is going to help the building up of communications in the mufassal. It is suggested that the Madras Members do not feel the troubles that afflict the mufassal local boards. I am not quite sure if the mufassal Members themselves are aware of the ways in which their finances could be improved. It is often said that the finances of the local bodies are at a low ebb.

2-45 p.m. “ I wish to take this opportunity to say that the cause for the finances of the local bodies being at a low ebb is not the want of money coming in out of licence fees. In some cases it is the want of efficiency

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in management. I do not say that in all cases there is inefficient management. But I do want members of local bodies to see that their finances are managed properly, that their budgets are cast well and that their expenditure is also curtailed. If greater control is exercised by local bodies over their finances, I am quite sure they would not need high licence fees. Merely because they are in a difficult plight, they cannot try to get out of it by enhancing the motor tax. It was only the other day that we accused the Government of not being sympathetic to ryots and agriculturists. We said when the agriculturist is not able to get his income from the land, it is the duty of the Government to come to his rescue and reduce the tax. When we have by an almost unanimous vote urged the reduction of the land tax, even though the Government were badly in need of finances, how is it possible now, when the poor man is not able to pay the tax on the motor bus, to say that because the finances of the local bodies are in a bad plight, the bus owner should pay whether he is able to do so or not. That should not be the maxim that should guide us in this matter. I am confident that the House will see that in a matter of this kind, it is not enough merely to look to the finances of the local bodies alone. It is of course necessary to see that the finances of the local bodies are improved and assured. But by enhancing the motor tax we are not going to help them. They must try to see that revenues are expanded properly. We have also got the assurance from the hon. the Chief Minister that if there is any loss incurred by local bodies caused by this change in taxation, the Government will reimburse them. As I said before, we should not consider that this is going to be a source of revenue. As regards the revenue, it is obtained by the petrol tax, and we have also got the provincial tax which goes to the provincial exchequer. With these only the roads should be maintained properly. If we are not able to do that with the income derived from petrol tax and provincial tax, I do not think it is worth while for us to keep the roads at all. It is the duty of the Government to see that these roads are maintained from these two sources of income. If other incomes are derived by local bodies by licence fees, it should be merely for the purpose of having control over the buses, or to enable them to exercise that control efficiently. I have therefore great pleasure in supporting this motion for consideration of the Bill."

Rao Bahadur P. C. MUTHU CHETTIYAR then spoke in Tamil:—

"கனவான்களே! லேஸென்ஸ்பீசு பஸ் விஷயமாக:—இப்போது இரண்டு விதமாக அனுதாபிக்கிறார்கள். ஒன்று, லோகல் போர்டு வரும்படி வரவேண்டியதைப்பற்றி, மற்றொன்று, ஜனங்கள் அதிகமாய் கொடுக்கவேண்டியதைப்பற்றி, இவை இரண்டும் வாஸ்தவமாய் கருதப்படவேண்டியவைகள்தான், ஆனால் எப்படி இவை இரண்டும் கேஷமத்துக்கு வரக்கூடுமென்பதைப்பற்றி நான் சந்தேகிக்கிறேன். இந்த ஹவுசில் கற்றறிந்த யாவரும் கவனிக்கவேண்டியவை மோட்டார் என்னும் பல் பெயரையுடையவைகள் இந்த கண்டிசன்கு வராதிருக்க யோசனை செய்வார்களா? அப்படியானால் கண்டிசன் பணங்கள் மீதமாகும், ரோட்டுகள் கொட்டிடுக்கும், ஜனங்கள் நன்மையடைவார்கள்.

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“மோட்டார் வாங்குவதும் விற்பனையும் முக்கியமல்ல. இன்னும் சிறிது காலத்தில் மோட்டாருக்கே விலையில்லாது இலவசமாக வரப்போகிறது. ஆனால் ஒரு கண்டிஷனோடு கிடைக்கும். மாசத்திற்கு 500, 1,000 மைல்கள் சவாரி செய்யா விடில் கிரையத்தை கொடுக்கவேண்டுமென ஓர் கண்டிஷன் ஏற்படும். அதினால், ஆயில், ஸ்பேர் பார்ட்டு, டயர்கள் இது ஏராளமாக விற்பனையாகவேண்டும். இது தான் முக்கிய நோக்கம். இதில்தான் ஏராளமான பணங்கள் விரையமாகின்றன. இதை யண்பவர்களிடம் ரோட்டுகளின் பூர்ண சிலவுகளை ரோட்டு போர்டு யோசனை செய்து வசூலிக்க யோசனை செய்யவேண்டும். ஆனால் கம்பெனிகள் ஆள்பாரம் பூமியிலே என்றமாதிரி புத்திமான்கள் சாமான்களில் உயர்த்தாது செய்ய கண்டிஷனிடுக்கவேண்டும்.

“இதை விட்டுவிட்டு மோட்டார் நடத்துபவர்களுக்கு அதிகம் ஏற்படுத்தினால் ஜனங்களுக்கு ரேட்டை அதிகமாக்கிவிடுகிறார்கள். இதில் என்ன அனுதாபம்.

“லோகல் போர்டுக்கு பணம் அதிகமாக வேனுமென்கிறார்களே. அதிகமாக கிடைப்பதிலிருந்து ஏராளமான கண்டாக்குவிடலாம். நல்லதே.

“லோகல் போர்டாருக்கு மட்டில் நோ கான்பிடன்சு மோஷன் கொண்டு வர விவஸ்தையில்லாத ஒரு செக்ஷனை ஆனர்பிள் மினிஸ்ட்டர்களும் கவர்ன்மெண்டும் ஏற்படுத்தியிருக்கும்போது லோகல் போர்டுகள் எப்படி நன்மையடையும். அது ஒழியவே யோசனையோடானி அவர்கள் பவரில் சிலைக் கமிட்டியும் சிபார்சு செய்து இருக்கும் அந்த செக்ஷன்களை அடியோடு எடுத்துவிடாதவரையில் லோகல் போர்டு பண வரவு தேடும் முயற்சி சரியல்ல. வீணை சொல்லமுடியாத தொற் திரவை விளைவிக்கும் அந்த செக்ஷனை பூர்ணமாக எடுத்துவிடாதவரையில் ஜனங் களுக்கு கொடுத்த செல்ப் கவர்ன்மெண்ட் என்னும் சுதந்திரம் போலியாகும்.

“எலெக்ஷன்களுக்கும் வீண்சிலவின்றி நியாயமாகும் ஆனர்பிள் சீப் மினிஸ்ட் டர்வர்கள் மிஸ்டர் பர்லி துராயவர்கள் பேசும் பில் பாசாக வேண்டுமென லோகல் போர்டுக்கு பண கம்மிக்கு இதர பிலாவேட் சர்வீசுக்கு புரொவின்சலாக வரியை ஜாஸ்தி செய்ய யோசனை தெரிவிக்கிறார்கள். அது தகுதியா, ஒரு காலும் பொருந்தாது. ஜம்பத்துக்கு வைத்திருப்பவர்கள் தாக்குகிறேனென் றிருர். ஆனால் அவர்கள் சிலவும் வீண்தானே. அப்படிப்பட்ட வீண்சிலவை துணிபவர்களுக்கு ஏன் அதிகப்படுத்தப்படாது என்று யோசனை செய்யலாம். அதுக்கும் ஓர் அறிவிப்புதான்.

“ஆனர்பிள் மெம்பர் நமது நண்பர் யாகுப் ஹுசேனவர்கள் மற்றொரு யோசனை தெரிவிக்கிறார்கள். அதாவது கற்றறிந்தவர்கள் சேர்ந்து டோல் கேட்டு நிபந்தனையை எடுத்துவிட்டு ஏற்படுத்தியுள்ள சட்டத்தையொழி பழைய சட்டத்தையே உபயோகித்து டோல்வரி ஏற்படுத்திவிடலாமென்கிறார்கள்.

“அப்படியானால் கற்றறிந்த மினிஸ்ட்டர்கள் தீர்க்காலோசனையில்லாது செய்த காரியமா. கோலம் போடுவது அழிக்கிறது என்றால் தகுதியாகாது.

“முற்காலத்தில் செய்துள்ள சட்டங்கள் 30, 40 வருஷங்கள் வரையிலும் மாற்றமில்லாது வந்திருக்கின்றன. என்ன பெருமையுடையது. இப்போதிய மாதிரி மாசம் ஒரு மாருதல் வருகிறது சரியா.

“ஆகையால் டோல்கேட்டு என்பது இனி மறந்துவிடத்தக்கது. அதை சிந்திக்க லாகாது. ஜனங்களுக்கும் முக்கியமாயுள்ள விவசாயிகளுக்கும் ஒருபோதும் அங்கீ கரிக்கமுடியாதவைகள்.

“ஆகையால் இவ்விரண்டு அபிப்பிராயங்களையும் ஒப்பமுடியாதென ஹவுஸ் தீர்மானிக்க பிரார்த்திக்கிறேன்.”

The motion that the Bill No. 25 of 1931 be taken into consideration was then put to the House and declared carried.

1st August 1933]

Mr. V. T. Arasu demanded a poll and the House divided thus:— 3 p.m.

Ayes.

- | | |
|---|--|
| 1 The hon. Sir Mahomed Usman. | 29 Mr. P. Bayappa Reddi. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 30 " P. K. Ramachandra Padayachi. |
| 3 " Sir Archibald Campbell. | 31 " G. Lakshmana Reddi. |
| 4 " Mr. H. G. Stokes. | 32 Rao Sahib V. Dharmalingam Pillai. |
| 5 " Diwan Bahadur S. Kumara-swami Reddiyar. | 33 The Zamindar of Mirzapuram. |
| 6 " Mr. P. T. Rajan. | 34 The Zamindar of Bodinayakkanur. |
| 7 " The Rajah of Bobbili. | 35 Mr. M. A. Muthiah Chettiyar. |
| 8 Rao Bahadur G. Jaganudha Raju. | 36 " A. V. Bhanoji Rao. |
| 9 Mrs. K. Alamelumangathayaramma. | 37 Diwan Bahadur A. M. M. Murugappa Chettiyar. |
| 10 Rao Bahadur V. N. Viswanatha Rao. | 38 Mr. Daniel Thomas. |
| 11 Mr. J. A. Thorne. | 39 Swami A. S. Sahajanandam. |
| 12 " H. M. Hood. | 40 Rao Sahib P. Subrahmanyam Chetti. |
| 13 " C. E. Jones. | 41 Diwan Bahadur A. Appadurai Pillai. |
| 14 " R. Madanagopal Nayudu. | 42 Rao Sahib D. V. Narasimhaswami. |
| 15 " E. Conran Smith. | 43 Mr. A. Harischandrudu. |
| 16 " T. Sundara Rao Nayudu. | 44 " K. Kesava Ramamurti Nayudu. |
| 17 Khan Sahib Syed Tajudin Sahib Bahadur. | 45 " S. M. K. Beyabani Sahib. |
| 18 Mr. M. D. T. Ranganatha Mudaliyar. | 46 " Sami Venkatachalam Chetti. |
| 19 " K. C. M. Venkatachala Reddiyar. | 47 " T. S. Ramaswami Ayyar. |
| 20 " G. Ranganatha Mudaliyar. | 48 " Abdul Hameed Khan. |
| 21 " M. Devadasan. | 49 " Basheer Ahmed Sayeed. |
| 22 Rao Sahib N. Siva Raj. | 50 Mr. K. A. Nachiyappa Gounder. |
| 23 Subadar-Major S. A. Nanjappa Bahadur. | 51 " M. S. Sreshta. |
| 24 Rao Bahadur R. Srinivasan. | 52 Rao Bahadur C. Natesa Mudaliyar. |
| 25 Rao Sahib V. I. Muniswami Pillai. | 53 Mr. C. Basu Dev. |
| 26 Mr. M. Vedachala Mudaliyar. | 54 " F. Birley. |
| 27 " B. P. Sesha Reddi. | 55 " W. O. Wright. |
| 28 " P. V. Rajagopal Pillai. | 56 " W. W. Ladden. |
| | 57 " R. Foulkes. |
| | 58 " F. J. Stanes. |
| | 59 " W. K. M. Langley. |
| | 60 " C. Krishnan. |

Noes.

- | | |
|--|---|
| 1 Mr. T. Narasa Reddi. | 14 Mr. K. P. Raman Menon. |
| 2 Dr. P. Subbarayan. | 15 " G. R. Premayya. |
| 3 Mr. K. R. Venkatarama Ayyar. | 16 Sriman M. G. Patnaik Mahasayo. |
| 4 Rao Bahadur T. A. Ramalinga Chettiyar. | 17 Mr. C. Indriah. |
| 5 Mr. T. C. Srinivasa Ayyangar. | 18 " J. Kuppuswami Choudari. |
| 6 " V. T. Arasu. | 19 " Mahboob Ali Baig. |
| 7 Rao Bahadur P. C. Muthu Chettiyar. | 20 " P. V. Krishnayya Choudari. |
| 8 Mr. P. Peddi Raju. | 21 Rai Sahib C. Kolanda Reddi. |
| 9 " K. Ahmed Miran Sahib. | 22 Mr. M. B. Rangaswami Reddi. |
| 10 " A. Pl. N. V. Nadimuthu Pillai. | 23 " G. Sriramulu. |
| 11 Pattagar of Palayakottai. | 24 " K. M. Duraiswami Reddiyar. |
| 12 Mr. P. Madhusoodhanan Thangal. | 25 Rao Bahadur R. K. Venugopal Nayudu. |
| 13 Diwan Bahadur B. Muniswami Nayudu. | 26 Rao Bahadur T. M. Narayana-swami Pillai. |
| | 27 Mr. G. Simhachalam Pantulu. |

Neutral.

- | | |
|-----------------------------------|---|
| 1 Mr. V. M. Ramaswami Mudaliyar. | 5 Mr. U. C. Subrahmanva Bhatt. |
| 2 Rao Bahadur A. T. Pannirselvam. | 6 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 3 Mr. M. A. Manikkavelu Nayakar. | |
| 4 " A. B. Shetty. | |

Ayes 60.

Noes 27.

Neutral 6.

The motion was carried.

The Bill was then taken into consideration.

[1st August 1933]

Clause 1.

Clause 1 of the Bill was put and carried.

Clause 2.

* Mr. V. T. ARASU :—" I move—

that in clause 2, sub-section (3), for the words " twelve annas " in the second column, the words " one rupee four annas " be substituted.

" My object in moving this amendment is that the rate now fixed, viz., twelve annas is too low. This can be very safely raised to Rs. 1-4-0 without in any way jeopardizing the motor industry about which much has been said just a while ago."

Rag Bahadur P. C. MUTHU CHETTIYAR :—" I second it."

Mr. F. BIRLEY :—" I oppose the amendment. If this amendment is carried it destroys entirely the whole purpose of the Bill."

The amendment was put and lost.

* Mr. V. T. ARASU :—" I move—

that in clause 2, sub-section (3) (b) for the words " one rupee four annas " in the second column, the words " forty rupees " be substituted.

" As has been pointed out by more than one speaker the rate fixed for private lorries is ridiculously low. That is the word used by one of the supporters of the measure, I mean, Mr. T. S. Ramaswami Ayyar. Lorries which are supposed to ply for hire are asked to pay Rs. 50. I cannot understand why the private lorries alone should pay Rs. 1-4-0. The disparity is very great. There is also another difficulty. There will be very great difficulty in deciding whether a lorry plies for hire or whether it is private. As merely an instance, I will point out the lorries used by the Burma Shell Company. They have a large number of lorries in municipalities. The unladen weight of any of these lorries is very much higher than any of the lorries that are usually let out for hire. It is natural that these heavy lorries of the Burma Shell would damage the roads more than the lighter ones plying for hire. Why should they, the Burma Shell, pay only Rs. 1-4-0, whereas the owner of a lorry plying for hire should be asked to pay about Rs. 50? As I pointed there will be very great difficulty in deciding whether a lorry is private or whether it is plying for hire. Take for instance those owned by Messrs. Wrenn Bennett & Co. I have known them transporting the furniture of their clients from one place to another, for a consideration. They do such service frequently, perhaps more frequently than those who ply their lorries for hire. Under what category will those lorries come? Will they be classed as private lorries or as plying for hire? I would also quote one other instance. Now there are so many toddy contractors who own lorries for transporting toddy from one place to another. Under what category would they come?

1st August 1933]

[Mr. V. T. Arasu]

Are they private lorries or lorries for hire? In order to avoid these difficulties and to remove the disparity in the rates, and to make them equal, I move that the amount be fixed at Rs. 40 which is the mean of the rates for the various classes of lorries given in this Bill."

* Sriman M. G. PATNAIK Mahasayo:—"I have great pleasure in seconding the motion. So far as damage to roads is concerned, I see no difference between the lorry which plies for hire and another which does not ply for hire. No doubt ordinarily a certain lorry which goes for fare on particular occasions may be termed a lorry plying for hire. If we go deeper into the matter we find there is no difference between the lorry that plies for hire on particular occasions and another which belongs to a firm and carries things sold. A man who owns a lorry plying for hire on particular occasions makes some investment and wants to gain some profit. So also firms invest part of the capital in lorries and take into consideration the cost of transport when handing over goods. The firm charges more for the transport of the thing from the headquarters to any other place, than they would do for delivery at the office. So I do not see how there can be any difference on principle between lorries which ply for hire and lorries which go in the name of private lorries, but the charges for which are included in the cost of the thing sold. Therefore, the distinction is artificial and the difference is very little. Therefore I say the clause adopted by the Select Committee is quite unreasonable. Therefore the proposition of my Friend should be adopted."

* Mr. F. BIRLEY:—"Mr. President, I am afraid I cannot accept the amendment. This licensing fee is merely a nominal fee in order to have control over the lorry. Taxation is imposed by the Provincial Government and the lorry pays its tax to the Local Government. The fact that firms make large profits has no bearing on the subject. They pay their income-tax to the Central Government Re. 1-4-0 is a nominal fee which is suitable merely to give the district board control over the lorry."

The amendment was put and declared carried.

A poll was demanded and the House divided thus:

3-15
p.m.

Ayes.

- | | |
|--|---------------------------------------|
| 1 Mr. M. D. T. Ranganatha Mudaliyar. | 13 Mr. V. T. Arasu. |
| 2 " V. M. Ramaswami Mudaliyar. | 14 Rao Bahadur P. C. Muthu Chettiyar. |
| 3 " B. P. Sessa Reddi. | 15 Mr. M. A. Manickavelu Nayakar. |
| 4 " P. Bayappa Reddi. | 16 " A. B. Shetty. |
| 5 " G. Lakshmana Reddi. | 17 " G. Simbachalam. |
| 6 Rao Bahadur T. M. Narayanaswami Pillai. | 18 " P. Peddiraju. |
| 7 Dr. P. Subbarayan. | 19 " Ahmed Meeran. |
| 8 Mr. Yakub Hasan. | 20 " K. A. Nachiyappa Gounder. |
| 9 " K. R. Venkatarama Ayyar. | 21 " A. P. N. V. Nadimuthu Pillai. |
| 10 Rao Bahadur T. A. Ramalingam Chettiyar. | 22 Pattagar of Palayakottai. |
| 11 Mr. T. C. Srinivasa Ayyangar. | 23 Mr. U. C. Subrahmanya Bhatt. |
| 12 " T. S. Ramaswami Ayyar. | 24 Diwan Bahadur B. Muniswami Nayudu. |
| | 25 Mr. K. P. Raman Menon. |

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Ayes—cont.

26 Diwan Bahadur C. S. Ratnasabha- pati Mudaliyar.	32 Mr. P. V. Krishnayya Choudari.
27 Mr. G. R. Premayya.	33 Rai Sahib C. Kolanda Reddi.
28 Sriman M. G. Patnaik Mahasayo.	34 Mr. M. B. Rangaswami Reddi.
29 Mr. C. Indrayya.	35 „ G. Sriramulu.
30 „ J. Kuppaswami.	36 Rao Bahadur R. K. Venugopal Nayudu.
31 „ Mahboob Ali Baig.	

Noes.

1 The hon. Sir Mahomed Usman.	25 Mr. P. V. Rajagopal Pillai.
2 „ Diwan Bahadur Sir M. Krishnan Nayar.	26 „ P. K. Ramachandra Pada- yachi.
3 „ Sir Archibald Campbell.	27 Zamindar of Bodinayakanur.
4 „ Mr. H. G. Stokes.	28 Mr. M. A. Muthiah Chettiyar.
5 „ Diwan Bahadur S. Kumara- swami Reddiyar.	29 „ A. V. Bhanoji Rao.
6 „ Mr. P. T. Rajan.	30 „ J. A. Davis.
7 „ The Raja of Bobbili.	31 „ Daniel Thomas.
8 Mr. C. E. Jones.	32 „ H. M. Jagannatham.
9 „ J. A. Thorne.	33 Rao Sahib P. Subrahmanyam Chetti.
10 „ H. M. Hood.	34 Rao Bahadur V. N. Viswanatha Rao.
11 „ R. Madanagopal Nayudu.	35 Diwan Bahadur A. Appadurai Pillai.
12 „ E. Conran Smith.	36 Rao Sahib D. V. Narasimhaswami.
13 „ T. Sundara Rao Nayudu.	37 Mr. K. Kesavaramamurti.
14 Khan Sahib Syed Tajudin Sahib Bahadur.	38 „ S. M. K. Beyabani Sahib.
15 Mr. T. Narasa Reddi.	39 Sami Venkatachalam Chetti.
16 Rao Bahadur A. T. Pannirselvam.	40 Mr. V. P. Narayanan Nambiyar.
17 Mr. K. C. M. Venkatachala Reddi- yar.	41 „ Abdul Hameed Khan.
18 „ G. Ranganatha Mudaliyar.	42 „ M. S. Sreshta.
19 Rao Bahadur R. Srinivasan.	43 „ R. M. Palat.
20 Rao Sahib N. Siva Raj.	44 Rao Bahadur C. Natesa Mudaliyar.
21 Subadar Major S. A. Nanjappa Bahadur.	45 Mr. C. Basu Dev.
22 Rao Sahib V. I. Muniswami Pillai.	46 „ F. Birley.
23 Mr. M. Vedachala Mudaliyar.	47 „ W. O. Wright.
24 „ P. C. Moses.	48 „ R. Foulkes.
	49 „ F. J. Stanes.
	50 „ W. K. M. Langley.
	51 „ W. W. Ladden.
	52 Zamindar of Mirzapuram.

Ayes 36. Noes 52.

The amendment was lost.

Mr. ABDUL HAMEED KHAN:—“ Mr. President, I move the amendment that stands in my name to the following effect:—

“ that in clause 2, sub-section (4), after the words “ at a time ”, the words “ at the option of the owner of the vehicle ” be added.”

“ I move this amendment in order to give the right to the owner of the vehicle to utilize the advantage of this section so that he might get the licence fee granted for one or more quarters not at the sweet will and pleasure of the chairman of a municipality but as required by him. Owners of these vehicles are put to a good deal of inconvenience, and in very many cases they are unable to pay up the licence fee entirely for the whole year all at once. We find from the Select Committee report that we have already given that facility to the owners of the vehicles. But

1st August 1933] [Mr. Abdul Hameed Khan]

there is a little lacuna in the language used, inasmuch as the right of deciding whether the licence should be granted for one or more quarters at a time will be exercised by the authorities and it is not left to the owner of the vehicle. I therefore hope that this House will accept this very harmless amendment."

Mr. BASHEER AHMED SAYEED:—"I second it."

Mr. F. BIRLEY:—"I am glad to accept that amendment."

The amendment was put and carried.

Clause 2, as amended, was then put and carried.

Clause 3.

* Mr. V. T. ARASU:—"Mr. President, I move—

'that in clause 3, sub-section (3) (b), for the words "one rupee four annas" in the second column, the words "one hundred rupees" be substituted.'

"The effect of this amendment is just the same as the one just now rejected by this House. But there is this difference. The one that was rejected pertained to municipalities, whereas this one pertains to the district boards. In this case I am suggesting a higher fee, viz., Rs. 100, as the area of a district board is very much bigger than the area of a district municipality. However, I am prepared to accept any amendment fixing the fee at a lower figure. As amended the clause would read as follows:—

'(b) In the case of a motor lorry not plying for hire. One hundred rupees for each quarter or portion thereof.'"

Rao Bahadur P. C. MUTHU CHETTIYAR:—"I second it."

* Mr. T. S. RAMASWAMI AYYAR:—"Sir, I desire to move an amendment to Mr. Arasu's amendment, viz.—

'that "Ten rupees" be substituted for "one hundred rupees".'

"My reason for proposing this amendment is this. Originally Rs. 1-4-0 was fixed, and I take it that many Members of the House felt that Rs. 1-4-0 was too low a figure for a motor lorry not plying for hire. True if it is a private lorry, it should not be charged as much as a lorry plying for hire. At the same time, there is a certain amount of strain on the roads used by these private lorries.

"Mr. Arasu by fixing the figure at Rs. 40 in a previous amendment in the District Municipalities Act was not able to carry the House with him because Rs. 40 was considered too big a figure. As I suggested in an earlier stage of the debate, if Government have been able to come to certain terms and thus to a compromise, it would have been possible to have a unanimous vote. One Member of the Select Committee has suggested Rs. 1-4-0. Many of us feel that it is too low. Now, Mr. Arasu wants to have it at Rs. 100 by his amendment. Many of us are not able to agree to the amendment. I therefore suggest as a compromise that it

[Mr. T. S. Ramaswami Ayyar] [1st August 1933]

should be Rs. 10 a quarter. I think, Sir, that is a fair figure. It is not too high a figure in the case of private lorries, because lorries plying for hire have to pay as much as Rs. 100 and even Rs. 160. In the case of lorries owned by individuals and used for private purposes, taking into consideration the wear and tear of the roads caused by some of these lorries having to run on the roads and also taking into consideration the fact that the lorries serve a useful purpose in an agricultural country like ours, I would suggest Rs. 10 as a reasonable compromise. I therefore am of opinion that the House would certainly take it to be reasonable and accept it.

“ There is only one observation I desire to make. It may be thought that in a previous instance with regard to district municipalities where Mr. Arasu wanted to increase the figure to Rs. 40 we left it at Rs. 1-4-0, and that in regard to local board areas if we pass this figure it will be inconsistent with the earlier figure. For that, my only suggestion is that after passing this amendment fixing Rs. 10, when the third reading of the Bill comes up it will be possible for us, if the House will allow it, to substitute Rs. 10 in the other case also.”

Mr. YAKUB HASAN :—“ I second it.”

The hon. the RAJA OF BOBBILI :—“ I may mention for the information of my hon. Friend that the present Bill does not seek to reduce the existing rate. The present rate is Rs. 1-4-0.”

* Mr. F. BIRLEY :—“ Mr. President, Sir, I am sorry I cannot accept the reasons given by my hon. Friend, Mr. Ramaswami Ayyar, for his amendment, because it is a question of principle. The present licence fee is Rs. 1-4-0 and there is no reason why it should be increased. The same argument that I used before with regard to the taxation of owners of private lorries applies equally in this case. The licence fee is a licence fee within the literal meaning of the expression, and is merely a fee to give the district board or the municipality control over the licensing of the vehicle. As for taxation of the vehicle for the use of the road, they pay Rs. 600 per annum to the Provincial Government, and that is the tax on the vehicle. With regard to the alleged enormous profits made by the firms which use these lorries, as I said before, these profits are taxed by the Central Government of India by means of income-tax. It seems to me quite unnecessary to take into account the fact that the firms using these lorries make profits, because that is entirely irrelevant to the question at issue. Mr. President, I am afraid I cannot accept the amendment.”

3-30
p.m.

Mr. V. T. ARASU :—“ For my part I am willing to accept the amendment of Mr. Ramaswami Ayyar. In doing so I should like to make an observation by way of reply to Mr. Birley. Mr. Birley has pointed out, as also the hon. Minister, that the existing rate is Rs. 1-4-0 and therefore there is no need for amending it. If you are amending any particular legislative measure, we level it up or level it down. Here it is pointed out that the figure is too low; therefore is it not necessary,

1st August 1933]

[Mr. V. T. Arasu]

when an amending measure is before the House, to level up and bring the figure in line with the rates proposed for lorries which are plying for hire? Mr. Birley has laid considerable emphasis on the point that the owners of these private lorries pay taxes to the general revenues. He is probably not aware of the fact that the owners of lorries for hire are also contributing to the general revenues indirectly through the Local Government as motor vehicle taxation. Therefore, there is no point in saying that the owners of private lorries alone pay to the general revenues and therefore should be exempt from licensing fee. It is like paying income-tax.

"I withdraw my amendment and accept the one proposed by Mr. Ramaswami Ayyar."

Mr. Arasu's amendment was, by leave, withdrawn.

* Mr. E. CONRAN SMITH:—"I think the discussion has ignored the important distinction that exists between a lorry plying for hire and any other lorry. That distinction is recognized already in section 166 of the Act. A motor plying for hire whether a bus carrying persons or a motor lorry carrying goods has to stop at scheduled places, and run on a scheduled route, picking up and setting down passengers or goods, and it is just that distinction between a motor vehicle plying for hire and an ordinary lorry which the Government has recognized. Plying for hire has therefore a technical meaning. Government have many times examined this question on representations made to them, and have definitely decided that the correct definition of the term is what I have stated. There must be a scheduled route and fixed stopping places in the case of lorries plying for hire. This does not apply in the case of other lorries. I would recommend to this Council therefore to leave the existing rate as it is."

* The hon. the PRESIDENT:—"The question is: In clause 3, sub-section (3) (b), for the words 'one rupee four annas' in the second column, the words 'ten rupees' be substituted."

The amendment was lost.

* Mr. M. A. MUTHIAH CHETTIYAR:—"I move—

'In clause 3, sub-clause (i), in line 2, for the expression "sub-section (6)" substitute the expression "sub-section (7); and".'

'In sub-clause (ii) after new sub-section (5) insert the following sub-section, namely:—

"(6) (a) If, during the period of currency of a licence, a motor vehicle is destroyed or removed from the road on account of its being unfit for further service and is replaced by another vehicle falling under the same class of sub-section (3), no fee shall be levied for the grant of a licence for the latter vehicle in respect of the remaining portion of the said period."

[Mr. M. A. Muthiah Chettiyar] [1st August 1933]

“(b) *Where the licence fee for any motor vehicle has been paid for any period and the vehicle has not been used during the whole of that period or a continuous part thereof not being less than one month, a refund of the fee at such rates as may from time to time be determined by regulations made by the district board with the previous approval of the Local Government shall be payable subject to such conditions as may be specified in such regulations.*”

“Sir, I do not intend making a long speech. This is only a copy of similar provisions in the Motor Vehicles Taxation Act, and the object of clause 6 (a) is to see that one person does not pay twice during any one quarter for running one bus. Clause 6 (b) is intended to give relief in cases where vehicles are not used for a considerable period during a quarter.

“I hope the House will accept the amendment.”

MR. T. SUNDARA RAO NAYUDU:—“I second it.”

* MR. BASHIR AHMED SAYEED:—“I rise to suggest for the consideration of the House the difference that we ought to keep in view when we consider this amendment. The Motor Vehicles Taxation Act deals with cases of taxation, and in taxation it is quite proper that there should be refunds and rebates allowed to the tax-payer. But I think the same principle cannot be extended to the fees charged for issue of licenses. The levy of license fee stands on quite a different footing from the levy of taxes, particularly of the nature of a provincial tax like the motor vehicles tax. That being the case the same principle and the same clause could not be incorporated in a measure like this, where it is merely the levy of a license fee. Apart from that, there is also great risk of the local boards using a good deal of the little income that they will be getting by the levy of license fees. Already there has been an uproar against the rates of licensing fee imposed by this Bill. If you are going to further provide for refunds and rebates, I think the position will be still worse. I do not think, in the interests of the local boards and also in the interests of the administration of the department issuing licenses, it is advisable that we should bring in such an amendment, I do not think there is any great necessity or justification for an amendment of this kind. I can well understand if in a measure of taxation we provide for such a rebate. But in the case of licenses issued every year or quarter, it would have been much better if the licenses are defined for the period of a year or portion of the year. All licenses in municipalities or local boards either in this country or elsewhere are governed by the annual or half-yearly license fee. Mostly they happen to be annual. Already we have diverted from the well-established principle of having licenses for the year. Now we are going further down and say that even in this quarterly payment of license fee we should make some concession. Either from the point of administration or of income it will not be in the interests of the local boards.”

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* Mr. V. M. RAMASWAMI MUDALIYAR :—“ A sympathetic local board may show a concession of this nature to motor bus owners. I have just to point out one difficulty with which the local boards would be faced if a compulsory provision of this nature is enacted. I desire that the Government should remember that in the case of local boards there is practically no checking authority to scrutinize their licenses. At present the competition and rivalry between bus-owners which is the only means of checking brings in most of the revenue. There are still a large number of buses which are run without licenses from one quarter to another. That being the difficulty the district boards are placed under, namely, that they have not any machinery to check just as the Government have, it will be making the task and the position of the district board very delicate and difficult if it has also to take up the work of adjustment proposed in the first part of the amendment. The difficulty will be all the greater if the second part of the amendment is accepted. May I ask if no provision is made for the checking of licenses who is to decide this question of finding out whether a motor bus ran on the road for less than a month or more than a month? These are some of the principal difficulties which the local boards would be faced with almost every day. I would therefore urge on the Mover of this amendment to delete that portion of the second clause. With regard to the first clause I have no serious objection. If the second clause is accepted there is no knowing where the finances of the district boards will stand; there will be an upsetting of the financial arrangements. For these reasons I must oppose the latter part of the amendment about refund or rebate being given.

3-45
P.m.

“ So, with your permission, I propose an amendment to delete from the amendment of Mr. Muthiah Chettiyar the second clause beginning with the words—

‘ (b) where the licence fee for any motor vehicle has been paid for any period and the vehicle has not been used during the whole of that period or a continuous part thereof, not being less than one month, a refund of the fee at such rates as may from time to time be determined by regulations made by the district board with the previous approval of the Local Government shall be payable subject to such conditions as may be specified in such regulations ’.”

Mr. M. A. MUTHIAH CHETTIYAR :—“ I have no objection to accept the amendment.”

Mr. T. S. RAMASWAMI AYYAR :—“ I want to speak on the amendment of Mr. M. A. Muthiah Chettiyar.”

Mr. SAMI VENKATACHALAM CHETTI :—“ If the vote is taken on the amendment for the deletion of the sub-clause in Mr. Muthiah Chettiyar’s amendment, discussion could be confined to the remaining portion of it.”

Mr. V. M. RAMASWAMI MUDALIYAR :—“ I believe the Mover of the main amendment has accepted my amendment.”

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MR. BASHEER AHMED SAYEED:—"Mr. President, I wish to point out at this stage that legislation is not made by an hon. Member proposing and another hon. Member accepting."

* The hon. the PRESIDENT:—"I think the House knows it very well." (Laughter.)

* MR. T. S. RAMASWAMI AYYAR:—"With your permission, Sir, I would speak on both the amendments. Sir, I am constrained to oppose the amendments for this reason that though they are really intended to help people in the case of destruction or replacement, placing such amendments on the Statute Book is undesirable as it might lead to abuse by the bus-owners. It is said that if a motor vehicle is removed from the road and another vehicle is put on the road by the same owner, relief should be given to the owner. The amendment seeks to effectuate this purpose by saying that something like an aggregate payment will entitle a man to keep on the road his vehicles one after another. On paper it might sound correct, but in working the Act it will mean great difficulty for people who control the licensing business to find out exactly when a motor vehicle goes out of the road and when another takes its place. Suppose the owner of a vehicle has it on the road for two months and he then puts another also on the road for two months in the same quarter. That will mean that for one month both the vehicles will be plying on the road. If the owner says that only one of his vehicles was on the road for one month and another for another month, how are the authorities to have accurate information? The other portions of the Act give certainly some relief to the people, whose vehicles have been on the road only for a certain period. There is a provision that in the case of vehicles which do not ply for more than 15 days or so, license fee shall not be charged for the whole quarter. Why should this provision be inserted now? As it will lead to a certain amount of misunderstanding and even fraud, I am not for placing it on the Statute Book. I am therefore constrained to oppose this amendment."

Mr. V. M. Ramaswami Mudaliyar's amendment was then put and carried.

Mr. Muthiah Chettiyar's amendment, as amended, was also put and carried.

The hon. the RAJA OF BOBBILI:—"Sir, I move—

'In the explanation to sub-section (3) of section 166, for the words "Madras Motor Vehicles Act," substitute the words "Madras Motor Vehicles Taxation Act".'

MR. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 3, as amended, was then put and carried.

The Preamble was put and carried.

* MR. F. BIRLEY:—"Mr. President, Sir, I am very grateful to the hon. Members of this House who have supported this Bill.

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[Mr. F. Birley]

I have a great deal of sympathy with certain criticisms made but I have none with the view that the local boards should be given a free hand to tax at their discretion."

Mr. V. T. ARASU:—"On a point of order, Mr. President, may I know what the motion before the House is?"

* The hon. the PRESIDENT:—"I think the hon. Member is going to move that the Bill be passed into law." (Laughter.)

* Mr. F. BIRLEY:—"Mr. President, with these few words, I formally move that the Bill, as amended, be passed into law." (Renewed laughter.)

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The motion was put and carried and the Bill, as amended, was passed into law.

[Rao Sahib Pandit Ganala Ramamurti was not in his place when he was called by the hon. the President to move that the Artisans Bill (Bill No. 22 of 1932) be circulated for the purpose of eliciting public opinion thereon.]

III.—THE MADRAS PUBLIC LIBRARIES BILL.

Mr. BASHEER AHMED SAYEED:—"I rise to ask for leave to introduce the Madras Public Libraries Bill. Sir, the public has, I believe, been acquainted already with the nature of the Bill, the scope of it and the purpose for which it is intended to be introduced in this Presidency. In our Province, there are already some sections in certain Local Boards and Municipalities Acts enabling the local bodies to establish or to contribute to libraries. But, Sir, what is required is to afford further facilities to local boards and municipalities."

* The hon. the PRESIDENT:—"I thought that the hon. Member was only going to ask for leave to introduce, but not make a speech. In case objection is taken to the granting of leave, then probably the hon. Member would have been quite in order to make a speech upon the merits of his Bill."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know whether a Bill cannot be introduced with a preliminary speech?"

* The hon. the PRESIDENT:—"A Bill is not to be introduced with a speech, at the stage of asking for leave to introduce."

Mr. BASHEER AHMED SAYEED:—"If that is your ruling, Mr. President, I merely ask the permission of the House to introduce the Madras Libraries Bill."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The motion was put and carried.

Mr. BASHEER AHMED SAYEED:—"I introduce the Bill, Sir."

The hon. the PRESIDENT:—"The hon. Member can make a speech at greater length after the Bill is published."

Mr. BASHEER AHMED SAYEED:—"Cannot a Member explain the scope of a Bill in introducing it?"

The hon. the PRESIDENT:—"No."

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IV.—THE MADRAS MATERNITY BENEFIT BILL.

Mr. V. M. RAMASWAMI MUDALIYAR:—"I beg to move for permission to introduce the Madras Maternity Benefit Bill."

Mr. T. NARASA REDDI:—"I second the motion."

The motion was put and carried.

Mr. V. M. RAMASWAMI MUDALIYAR:—"I beg to introduce the Bill."

V.—THE MADRAS ALIYASANTANA BILL (MR. K. P. RAMAN MENON).

Mr. K. P. RAMAN MENON:—"I beg to move for leave to introduce the Madras Aliyasantana Bill."

Mr. M. S. SRESHTA:—"I second it."

The motion was put and carried.

Mr. K. P. RAMAN MENON:—"I introduce the Madras Aliyasantana Bill."

VI.—THE MADRAS ALIYASANTANA BILL (MR. A. B. SHETTY).

Mr. A. B. SHETTY:—"I beg to move for leave to introduce the Madras Aliyasantana Bill."

Mr. R. M. PALAT:—"I second it."

The motion was put and carried.

Mr. A. B. SHETTY:—"I introduce the Madras Aliyasantana Bill."

VII.—A BILL TO AMEND THE MADRAS ESTATES LAND ACT, 1908.

Mr. SAMI VENKATACHALAM CHETTI:—"I move for leave to introduce a Bill to amend the Madras Estates Land Act, 1908."

Mr. T. C. SRINIVASA AYYANGAR:—"I second it."

4 p.m. * The hon. the RAJA OF BOBBILI:—"Sir, in rising to propose an adjournment to the motion before the House, I wish to make the following statement on behalf of my Party with your permission. Hon. Members are aware that an official Bill to amend the Madras Estates Land Act was introduced in this Council by the hon. the Revenue Member on the 26th January 1932."

* Mr. V. T. ARASU:—"On a point of order, Mr. President, may I know whether the hon. the Chief Minister is at liberty to make a statement at this stage?"

* The hon. the PRESIDENT:—"In amplification of the motion that he is moving he is making a statement."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know whether he is making a statement, or speaking in support of the motion that he has moved. That makes a lot of difference. If he is going to make only a statement under the Standing Order which contemplates the making of such a statement, he has only to make a short statement which may be replied."

* The hon. the PRESIDENT:—"That short statement is being made."

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* Mr. SAMI VENKATACHALAM CHETTI:—"Is that so? So, he is not speaking in support of the adjournment motion that he has moved?"

* The hon. the PRESIDENT:—"As I have already said, in amplification of the motion that he is moving he is making a statement."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if there is any convention, when an hon. Member seeks the leave of the House to introduce a Bill, that there should be no speech on a motion for adjournment?"

* The hon. the PRESIDENT:—"I do not think that convention has been followed consistently in this House."

* The hon. the RAJA OF BOBBILI:—"Hon. Members are aware that an official Bill to amend the Madras Estates Land Act was introduced in this Council by the hon. the Revenue Member on the 26th January 1932. In doing so, Sir Archibald Campbell had made it abundantly clear that the measure was intended to set right certain difficulties which have been found in the working of the Estates Land Act of 1908, and that it was not intended to confer any new rights or powers upon either the zamindars or the ryots. At that time, my hon. Friend, Diwan Bahadur Muniswami Nayudu Garu, stated as follows:—

'Sir, I propose to say a few words with regard to the Bill itself. Objection has been taken by persons interested in the ryots that the Bill does not go as far as it should, and that it is not comprehensive in any sense. The necessity for an amending Bill has been felt a very long time ago. It is stated that this is not the proper time to bring forward a Bill of this sort, that it may be left to the new Council which will be more popular and representative than it is now, and that this Bill should be withdrawn. I would only say that there are a very large number of outstanding questions in connexion with the Estates Land Act which concern the actual working of the Act and which concern the rights claimed by the tenants and by the landlords. There are others which are of a very controversial nature and I am sure that this House would not like that such questions should be taken up by the Government themselves either on behalf of the zamindars or on behalf of the tenants. Many such contentious points have been laid aside and this Bill is confined to those which may not be said to be very contentious but which would facilitate the proper working of the Act. The Bill is restricted to matters dealing mostly with procedure and which are non-contentious. . . . It would be open to the Select Committee to consider to what extent the interests of both the landlords and the tenants might be safeguarded and to see that nothing is done to jeopardise the interests of either the one or the other parties. The main purpose of the Bill is to clear up certain difficulties which are felt in regard to the working of the Act. I appeal therefore to the House and say that, in allowing this Bill to go before a Select Committee, they might see that all non-contentious questions are settled and that all contentious matters affecting either the landlords or the tenants are postponed.'

"The Bill was referred to a Select Committee and I am sure my hon. Friend, Mr. Muniswami Nayudu, would endorse my remarks when I state that both the representatives of the tenants and the zamindars in the Committee approached the problems in a spirit of good will and produced a report which was almost unanimous, but for a short dissenting minute by the Leader of the Opposition. The Bill, as modified by the Select Committee, was republished. At this stage, those who claim to represent the ryots put forward the view that no measure, seeking to amend the Estates Land Act could be brought forward during the lifetime of the present Council. While feeling that the proper adjustment of the relation between the zamindars and the ryot is

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essentially a domestic problem and that it was a mistake to suppose that the problem will solve itself by the establishment of Responsible Government in this country or by transfer of power from British to Indian hands, yet, the zamindari representatives, in the interests of amicable relationship, agreed to fall in with the view point of the tenants. Owing to this understanding the Madras Landholders' Association, which had drafted an amending Bill, decided to drop the matter.

"When the hon. the Revenue Member sought to move for the consideration of the Select Committee Report on the 30th January 1933, representations were made to Government from all the parties in the Council that earnest attempts should be made by both parties to come to an agreed settlement and that the consideration of the Government measure should be postponed. In accordance with this general desire, the hon. the Revenue Member did not proceed with the further stages of the Bill. But unfortunately contrary to all expectations at that time various attempts are being made to push forward non-official measures embodying the demands of the tenants. I beg to point out to this hon. House there are two parties to this question and I wish once more to appeal to both the leaders of the landholders and of the ryots and, in doing so, I cannot do better than quote the words of the hon. the Revenue Member when he presented the report of the Select Committee:—

"The prosperity of the landholders and the ryots are so inseparably intermingled that the welfare of the one depends upon the welfare of the other and that it is not possible for one party to carry out any measures which will materially affect the welfare of the other without affecting its own welfare. Their best interests will be served by mutual co-operation and good will. I am sure this will be appreciated by all parties of this House and will always be borne in mind."

"The main criticism against the official Bill is that from the ryots' point of view it does not go far enough. But I am afraid that such criticism is out of place as the objects and reasons of the Bill make it clear beyond any possibility of doubt that the scope of the Bill is limited to the removal of the difficulties found in the actual working of the Act of 1908. I can state, without fear of contradiction, that the Select Committee did not make any changes which were calculated to adversely affect the interests of the ryots. As a proof of their confidence that it is eminently desirable and possible to arrive at an agreed solution of this longstanding question, the representatives of the landholders have joined with those of the tenants in making a joint request to Government to postpone the consideration of the official Bill.

"In connexion with this legislation to amend the Madras Estates Land Act, I had some informal talks with a few representative landholders and certain representatives of the ryots in order to ascertain whether there is any reasonable prospect of an agreed measure being pushed through the Legislative Council which will safeguard the interests of the landholders as well as the ryots. I had a long discussion with Mr. Ramdas Pantulu who is the President of the Zamin Ryots' Association and I was assured by many of those whom I had thus consulted that it is possible to reconcile the claims of the landholders and the ryots to bring about an amicable settlement of the outstanding

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differences if an earnest endeavour is made in a spirit of give and take. The Justice Party has this unique advantage over other parties. It has always tried to reconcile and harmonize apparently conflicting interests. It is the one party that can claim among its ranks the rich and the poor alike, the capitalist and the labourer, the landlord and the tenant—all merging in one harmonious whole, all striving not for individual privilege, but for the privileges of the community at large, each willing and eager to sacrifice something of his own interest for the larger interests of the country. In harmonizing the interests of all sections and classes, in adjusting their apparently conflicting rights to the benefit of both and in the promotion of the common good lies not merely the work but also the strength of this party. I am sure it will be recognized that the main principle and object underlying the Estates Land Act is to safeguard the rights of the cultivating tenants. But what has been the result in the actual working of the Act? In actual practice the occupancy right has been passing into the hands of the middlemen whose only interest in the land is to extract the highest possible rent and the cultivating tenants are being reduced to the position of serfs. Surely this was not the intention of the framers of the original Act nor is this process in the interests of the masses. My party is certainly not in favour of creating a new class of intermediate landholders. In the Bill now sought to be introduced no attempt has been made to safeguard the rights of the cultivating tenants and to prevent lands passing from the hands of the agricultural classes. We believe that the time has now come to seriously consider the question of incorporating some of the provisions of the Punjab Land Alienation Act and ameliorate the sufferings of the tenants in whole inam villages.

“ In this connexion I may also state that all those to whom I have sent invitations have been kind enough to write to me approving my idea for a conference of representatives of both the interests to try and settle once for all the various longstanding questions concerning both the landlords and the tenants. I am also assured by Mr. Ramdas Pantulu who I believe drafted the Bill which is now sought to be introduced that if we are to go into these longstanding questions and settle them once and for all, it will be very difficult because the scope of the Bill is too narrow to permit of such a procedure. He has also suggested to me in the interests of both the parties if an earnest attempt is going to be made it is desirable that pending settlement of these questions the consideration of both the official and non-official Bills may be adjourned for a short time.

“ I believe I have now proved in a general way that the Bill of my hon. Friend, Mr. Sami Venkatachalam Chetti, does not make any attempt to solve the real problem, viz., the safeguarding of the rights of the tillers of the soil who form the backbone of India. I therefore earnestly and sincerely appeal on behalf of my party to the sponsors of this measure not to proceed with it until the next meeting of the Council. So far as the zamindars are concerned, subject to the rights of private property they are prepared to go to the fullest extent to meet the view point of tenants.

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“ Let us therefore proceed with the Conference which I have called for with the consent of both parties and settle once for all this long-standing and vexatious problem. Some differences there may be but the points of agreement are many and after my recent discussions with the representatives of the tenants and zamindars, I am fully confident that, given a spirit of good will on both sides we would be able to evolve an agreed solution with the help of God. To-day India is on the eve of great constitutional changes and it is necessary that we should tackle this problem with a view to a final solution. Both parties must be prepared to make sacrifices to come to an agreed solution by mutual consent. We will be thus doing the greatest service to our country at this critical juncture. I sincerely hope and trust that my appeal will meet with adequate response and appreciation.”

* The hon. the PRESIDENT:—“ Will the hon. Minister read out his adjournment motion? ”

The hon. the RAJA OF BOBBILI:—“ I beg to move—

that the consideration of this business be adjourned to the next meeting of the Council.”

Mr. K. R. VENKATARAMA AYYAR:—“ Mr. President, Sir, so far as I have been able to examine the Standing Orders governing a motion such as has been moved by my hon. Friend, Mr. Sami Venkatachalam Chetti, I find that the Council has only two courses open to it: either it can give leave to the hon. Member to introduce his Bill or some Member of the House can oppose the motion asking for leave. There can be no intermediate course to which the House can resort. I understand that the suggestion in the long statement of the hon. the Chief Minister is an invitation in a spirit of goodwill to my hon. Friend, Mr. Sami Venkatachalam Chetti, to defer making his motion for the present or to withdraw the motion he has made and take the assurance given by the hon. the Chief Minister in the spirit in which he has given it. Of course, it is for him to accept that suggestion or not. If he does not, the House has to treat the Chief Minister's motion as one of opposition to Mr. Sami Venkatachalam Chetti's motion or else to ignore it altogether.”

* The hon. the PRESIDENT:—“ I do not think the hon. Member is correct in his interpretation of the Standing Orders. Standing Order No. 33 clearly lays down that—

A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice. . .

“ Now there is a business pending before the House and that is the motion of Mr. Sami Venkatachalam Chetti for leave to introduce a certain Bill. In reply to that the hon. the Raja of Bobbili is entitled to move a distinct motion for the adjournment of that particular business.”

* Mr. YAKUB HASAN:—“ Mr. President, Sir, it would have been a more straightforward course if the hon. the Chief Minister had opposed the motion for leave to introduce the Bill. On the other hand, he has

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asked the Mover, Mr. Sami Venkatachalam Chetti, to postpone his motion to the next meeting and informed the House that he and his party are now engaged in preparing a Bill which they would bring before the House and that they are trying to arrive at a compromise which will be acceptable to all the parties concerned. But what I want to ask is this: why should it be thought that what the hon. the Raja of Bobbili intends to do, cannot be achieved equally well by Mr. Sami Venkatachalam Chetti? At present, we have not got the Bill of Mr. Sami Venkatachalam Chetti before us and he has only asked us for leave to introduce a certain Bill. When the Bill actually comes before the House we can judge whether it will be acceptable to all the parties concerned or not and whether Mr. Sami Venkatachalam Chetti has been successful in arriving at a compromise satisfactory to all the parties. Why should not Mr. Sami Venkatachalam Chetti, a member of the Nationalist Party, be allowed to bring in a Bill and be given all the necessary facilities to shape it in such a way that it will be acceptable to all concerned? Why should the hon. the Chief Minister think that he and his party alone should have the privilege and the credit of bringing forward a Bill of this sort? I think, in a matter of this kind, a non-official Member will be in a better position to bring forward a Bill acceptable to all parties than the party in power. It has been said that attempts were made and they were not successful. Therefore, why should the Government repeat those attempts? Let them allow a non-official Member like Mr. Sami Venkatachalam Chetti to introduce a Bill and let the hon. the Chief Minister put into action the spirit that has animated his statement by giving his help and the help of his party to Mr. Sami Venkatachalam Chetti to shape the Bill in proper form. Finally I appeal to the House to give leave to Mr. Sami Venkatachalam Chetti to introduce the Bill and not be carried away by the statement read out to us by the hon. the Chief Minister."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, on behalf of the ryots, let me express my thanks to the hon. the Raja of Bobbili for the gesture he has made in promising to try to introduce as early as possible a Bill which will be acceptable both to the landlords and the tenants. I take it that he is sincere also in the invitation he has issued for a conference. I was unfortunately not able to attend the first meeting of the Conference, for which I express my regret and I promised my full co-operation in the further stages of the Conference. At the same time, we should have to take note of the way in which we have to conduct our business in this House. Sir, the chances of a private Member pushing forward a private Bill to a conclusion are very slender. It will be remembered that when the Government introduced a Bill on this question, the objection raised on behalf of the tenants was that the Bill was not sufficiently comprehensive and therefore ought not to be allowed to go forward and that the Government should be asked to introduce a more comprehensive measure. The hon. Raja Saheb referred to my speech on that occasion in which I appealed to the House to allow the Bill to go forward on the ground that it sought to correct certain glaring defects which had to be corrected

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immediately and that it avoided as far as possible controversial matters which were reserved to a more appropriate occasion. That suggestion was made by me at a time, when in the usual course of things it was expected that the term of the Legislative Council would expire at the end of the year and that a new Council under a new Constitution would come into existence very soon and that that new Council would be representative of the people much more than the present Council. In fact, when the Select Committee made its report and when the question of presenting the report of the Select Committee to the House and asking it to take the Bill into consideration came up, it was felt that the whole question might well be taken up in a comprehensive measure and even then the feeling was that by the end of the year, this Council would cease to exist. But now, it is clear from what is taking place elsewhere, that this Council may continue for two years at least, if not for more. Therefore the possibility of this question being tackled to the satisfaction of any party, be it the Government or to the landlords represented by the Raja Saheb or the tenants whoever he may consider to be their representative—the chances of such a Bill being introduced as early as possible are remote. It is in these circumstances that my hon. Friend Mr. Sami Venkatachalam Chetti has asked for leave to introduce a Bill which has been drafted on behalf of the tenants. On the eve of the introduction of the Bill the Raja Saheb has called for a conference. I am sure he will agree with me that given the best will in the world, it will take some time before we are able to devise a measure which will be acceptable to both the parties. If, therefore, the Conference proves fruitful of results, it is good. On our part we will do nothing which will hamper any further steps that the Raja Saheb may take, especially in view of the gesture he has shown to-day. If, on the other hand, the conference proves unsuccessful, I equally appeal to him to translate into action the spirit of the gesture he has shown and assure us that he as one of the Members of the Government will give us a chance, will do his best to see that our Bill is pushed through so that it may be placed on the statute book during the lifetime of this Council. If the Bill is given leave now, it will take two months more before we can introduce it and have the first reading taken up and then if necessary refer it to a select committee. Two months' period is a sufficiently long time within which to gauge the opinion of the parties on both sides. If by the next meeting of the Council we go a fairly long way to reach a compromise, I on behalf of my hon. Friend, Mr. Sami Venkatachalam Chetti will give an assurance that we will not proceed with the further stages of the Bill. But if, for any reason, we are able to agree, then, I am sure the Raja Saheb will agree with me that though he might have the power as a Member of the Government to stifle the further progress of the Bill, he should give a case to the private Bill to go forward. He should not oppose the motion asking for leave to introduce the Bill, because there will be time enough for him—may God forbid that—to oppose the Bill during its further stages having regard to the proceedings of the Conference. Under these circumstances, may I appeal to him in the same spirit which has animated his gesture to allow us merely to take leave of the House to introduce

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[B. Muniswami Nayudu]

the Bill on the understanding that the further progress of the Bill would depend on the extent to which at the Conference that is proposed to be called we are able to come to an agreement. The Raja Saheb has said that he is anxious not merely on behalf of the landlords whom he represents, but also on behalf of his Party to settle this question. Sir, on behalf of the tenants I am willing to give an assurance that we do not in any way cavil at the position of the landlords. For the first time, he has thrown out a suggestion that what he is more anxious about is to secure occupancy rights to the actual cultivators of the land and not to allow middlemen to come in and take away the land. It is a very laudable object, no doubt, but to what extent he will be able to give effect to it is a question which will have to be decided at the Conference. If we are able to produce an agreed Bill it will be satisfactory to all. If it is not possible, then, Sir, we claim we should be shown the mere courtesy of having our Bill discussed and we are prepared to take our chance. I want to say nothing more than this. I have only one more observation to make before I sit down. It seems to me that in the matter of agrarian disputes, any Conference convened at the instance of the Government and composed of the representatives of the landlords and the tenants with the Government holding the scales evenly between them, would be productive of more satisfactory results than a conference called at the instance of one party which is admittedly the stronger party. However, I am prepared to co-operate with the Raja Saheb in his attempts to tackle this question. I also appeal to him in the same spirit in which he has appealed to us, that so far as this Bill is concerned he would give us a chance to take leave of the Council to introduce it, so that if further stages become necessary we might go through those further stages during the lifetime of the Council. These are the few remarks I have to submit and I wish that all the professions of the party opposite may be put into practice."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, after hearing the appeal made by the hon. the Raja of Bobbili this afternoon asking me to suspend the consideration of this business till the next meeting of the Council, I am considerably handicapped in this matter. I thought that it has been a longstanding convention that no non-official Bill should be opposed at the very first stage. I take it that the hon. the Raja of Bobbili appreciates that convention by the very fact that, without directly opposing the motion for leave to introduce, he has thought it fit to circumvent that convention by a very novel method of asking for the adjournment of the consideration of this business to the next meeting. But I dare say that he will agree with me that the effect of his motion will be the same. Knowing as he does that he has a big party and Government Officers on his side, is it not a strange appeal that he has made to me? The appeal he has made to me is practically one method of coercion; 'if you do not respond to my appeal, I am going to use my party strength and the strength of the Government with whom I am associated at present, to oppose the motion.' In these circumstances it would appear that the appeal made to me is not an appeal (except the word that is used); it is actually an order to me to suspend

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the consideration of this motion. Having regard to that kind of attitude which the hon. the Raja of Bobbili has thought fit to adopt, does it promise that the Conference which he proposes to hold in order to arrive at an agreement on the various points at issue between the landlords and the tenants would achieve good results? In these circumstances I am afraid that it would be very difficult for the parties to come to a common understanding.

“ With regard to the various stages of a Bill on this subject, which the hon. the Raja of Bobbili enumerated to the Council, may I remind the Council that the Bill which I now propose to introduce is not new to this Council? Mr. Satyanarayana Choudari representing the Guntur constituency, had once taken permission of the Council to introduce this very Bill after obtaining the sanction of His Excellency the Governor-General. By the time the Bill was ripe for the second stage and for being referred to the Select Committee, the policy of the Government to appoint lawyer Members of this Council to public prosecutorship came into play and my friend, Mr. Satyanarayana Choudari, was made a public prosecutor and consequently he lost his seat. It was by mere accident that Mr. Satyanarayana Choudari was disabled from pursuing the next stage with regard to this Bill. Otherwise, the Bill should have been on the anvil or should have been rejected on the merits of the Bill. Therefore this Bill is not new as the hon. the Raja of Bobbili appears to put it. Therefore, there is absolutely no reason to fear that the introduction of this Bill is going to nullify the attempts made to come to a settlement with regard to the various matters concerning the zamindars and ryots, by the representatives of both parties.

“ Secondly, my hon. Friend, the Raja of Bobbili, referred to the small conference which he convened at his bungalow to consider this matter. I was one of those who were invited to be present. When this matter was placed before me, I made an appeal to the hon. the Raja of Bobbili not to oppose the introduction of the Bill in contravention of a long-established convention and I made a promise that I would not proceed with the next stages of the Bill until I am satisfied that the conference which he proposes to convene becomes infructuous or is not convened at all. I take it that any hon. Gentleman, who is reasonably disposed to see that the interests of the zamindars and tenants should be put on a satisfactory footing, should have been satisfied with such an assurance of mine. Taking leave for the introduction of this Bill is not going to affect the attempts which the hon. the Raja of Bobbili will be making in furtherance of the interests of the zamindars and the ryots. The hon. Member referred to some letters which he has received from the Leaders of Parties in this Council. What my hon. Friend, Mr. Muniswami Nayudu said—with which I entirely agree—is that we would co-operate with the hon. the Raja of Bobbili in the conference which he proposes to hold to come to an agreement and to introduce a comprehensive Bill. Mr. Ramadass Pantulu who is the President of the Zamin Ryots Association has written a very long letter to the hon. the Raja of Bobbili, that he would await the settlements that will be

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arrived at by means of the conference. In that letter he also speaks of the possibility of three Bills being referred to the same Select Committee, my Bill, the Government Bill, and the Bill which would be drafted as a result of the deliberations of the proposed conference. It does not disallow the prospect of this Bill going through the second stage. The hon. the Raja of Bobbili has referred to the opinions of those who are not in this Council now. My hon. Friend, Mr. Muniswami Nayudu, gave us the reasons why we agreed to put off the consideration of the Government Bill. That was done as a result of some understanding come to between the leaders of some parties and the Government then. We thought that the prospect of the new Council would be nearer. Moreover there was agitation both on behalf of the zamindars and of the tenants, as to the progress of the Bill.

“The hon. the Raja of Bobbili prides himself of the fact that his party consists of landlords and tenants, capitalists and labourites, rich and poor, and of all communities, except the Brahman. If his party supports the motion made by the hon. the Raja of Bobbili for adjourning the consideration of this business, it is not because the members of his party fully approve of this action. I am afraid there is something very doubtful and suspicious about the position of the party. Does it require to be stated publicly that such a strong party would be used to break the convention that the first stages of a private Member's Bill should not be opposed? I feel that there is heart-burning in that party. If not, may I ask the hon. Members of that party representing the tenants to come out and say whether they are supporting the motion of the hon. the Raja of Bobbili, whole-heartedly? If they support the motion, it is not because they are convinced of the reasonableness of the motion, but because of party discipline. I have got great regard for those who follow party discipline; I admire greatly the loyalty of the men of the party to their leader. But it is not so in this case; the real state of their mind is quite different. As members of the party, they are bound to obey the mandate of the party. In this case, the hon. the Raja of Bobbili has taken undue advantage of the loyalty of the members of his party, who are bound by party discipline.

“Of course it is not my intention to place any impediment in the way of sincere attempts being made to effect a compromise. If he can tell me in what way I can possibly accommodate him in the matter of expediting the conference being held, I shall certainly be glad to do so. But the motion before the House for leave to introduce the Bill should not be opposed. His opposition to my motion would mean that he wants to put off this matter to as distant a date as possible. The next meeting of the Council being in October, he knows perfectly well that any conference however expeditiously its business may be conducted, will not be able to produce a comprehensive Bill before that time. In that case there is no chance for any Bill being brought forward before next August, as in the months of February and March we would be fully engaged with the Budget. The party of the hon. the Raja of Bobbili is not the only party to be consulted in this matter. There is a third party, the Government; we do not know whether they are in

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agreement with the hon. the Raja of Bobbili; we do not know what their attitude is. To-morrow it may be said 'the Raja of Bobbili may have given the assurance; we did not give any such assurance; what right have you to go on with this Bill?' The hon. the Raja of Bobbili may resile from his position by throwing the blame on the Government. Having regard to all these considerations, I appeal to the hon. the Chief Minister not to introduce this novel procedure of adjourning the consideration of this Bill and of opposing the motion for leave to introduce a Bill by a non-official member. I have of course promised him that I shall not proceed with the next stage of the Bill until I know definitely the results of the attempts that will be made by him to come to an agreement.

"Considerations of health prevent me from dragging on this question till to-morrow. My hon. Friend, the hon. the Raja of Bobbili, referred to some of the provisions of the Bill. It is true that all questions which affect the interests of both the parties have not been adequately tackled in the Bill of which I have given notice. I confess, Sir, that I am ignorant of many things which affect the landlord and the tenant. I consider that that is a good reason why my Bill should be allowed to go forward, because there is a third party—a neutral man—who can possibly help both the landlord and the tenant to compose their differences. I beg the hon. the Raja of Bobbili to have regard for a convention which has been long established. If he is going to break this convention, this kind of game can be played by both the parties. We can also play the same game and obstruct even the first stages of any Bill given notice of by an hon. Member on the other side of the House. Conventions are made to be observed by all parties. The convention should not be followed so far as one party is benefited by it and it should not be given the go-by when it is to the advantage of the other party. The hon. the Raja of Bobbili should not say, 'convention or no convention, I will use my strength against the motion'; because, conventions are established to keep the balance against strength. Otherwise there need not be any convention at all; it will be a majority rule. Any non-official member will be in the same position if the Government are going to stand in the way of the first stages of a Bill.

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"I do not want to import into this discussion anything relating to public opinion in regard to this matter; but it is necessary for me to say to the hon. the Raja of Bobbili that those who are sitting there in that gallery as the representatives of the tenants are now watching the progress of this Bill. They are very keen about seeing that this is settled once for all and it is wrong to say that the tenants are unwilling to co-operate. They are willing to accommodate in respect of all reasonable claims of the zamindars; they only want that their grievances should be looked into carefully and adjusted. After all, all the parties will have to face the electorate sooner or later. In the interests of your own party, may I suggest that it would be far better to grapple these things in this Council itself rather than leave it to a new Council. Whatever might be the optimism with which the hon. the Raja of

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Bobbili is surcharged to-day, I cannot be so sure of the strength of his party after the next election, having regard to the way in which his party is at present composed—i.e., composed of landlords and tenants, capitalists and labourites, rich and poor. I would warn the tenants who are pinning their faith upon the reasonableness of the zamindars. If the zamindar Ministers who represent the so-called popular party, are unable to respond to an appeal made by me, where is the chance of the reasonable appeals of the tenants being responded to by the zamindars?"

Sriman M. G. PATNAICK Mahasayo:—"Of course, Sir, I do not agree with all that my Friend Mr. Venkatachalam Chetti has said. There is nothing sinister in what the hon. the Raja Sahib has stated. I think he is quite serious in trying to effect a compromise. Of course it is all a question merely of *jith*. If the hon. Raja Sahib wants that no leave should be granted for this Bill now, he will probably have his wish fulfilled, with the support of the members of his own party. If the other side wants that leave should be granted, then naturally the controversy comes. Mr. Venkatachalam Chettiyar is quite aware of the fact that he cannot proceed with the further stages of the Bill without the co-operation of the other parties in the House. The Raja Sahib's party is a strong party, and therefore he can at any time use that strength against the other party. The Raja Sahib wants to do something really good to both the landholders and the ryots. Therefore I appeal to him to be magnanimous enough to grant the request of my hon. Friend, Mr. Venkatachalam Chetti, that leave be granted to his Bill. Let him not insist upon *jith*."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, I do not want to give my silent vote on this very important question. I think nobody can appropriate to himself the claim to defend the rights of the tenants in this House, because most of us here are tenants ourselves. I am a tenant of zamin and Government lands. So, I am as much interested as the Opposition or the Justice Party in seeing that the rights of the tenants are preserved. I do not want to give a silent vote on this matter, though of course, I may have to vote with the Justice Party. I am foremost in fighting for the cause of the tenants, because I am a tenant myself in a zamindari land where I am suffering, and I am a tenant in Government land where too I am suffering. We all know that Bills after Bills were introduced in this Council. There was recently a Bill introduced by the Government, which was sought to be amended by the hon. the Revenue Member. All the parties went to him and said 'Do not do it because we are not satisfied with the contents of that Bill.' I may assure the Council that the Raja Sahib was the foremost to see that that Bill was not allowed to enter this House last time. I admired him when he said that when the parties were against it, he won't allow the Bill to proceed. He himself was one of those who were against the introduction of the Bill by the hon. the Revenue Member. Now the Chief Minister says: 'I have called for a conference; the conference has already met; and in that con-

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ference, the representative of the zamin ryots says "I agree to your proposals; let there be some conciliation made between the zamindars and the ryots; let us bring up a consolidated Bill which would be acceptable to both the zamindars and the ryots." I am glad that Mr. Sami Venkatachalam Chettiyar takes so much interest in the ryots; though we are all living in towns, we have got lands in Chingieput district or somewhere near; we are living in a place where people do not know how rice is produced, whether it is from tree, etc. We know that if a private Bill is brought up here, the zamindars or others might do something as a result of which enough of privileges will not be given to the ryots. I myself intended to bring forward in this Council a Tenants' Protection Bill, but the then Law Member, the late Sir K. Srinivasa Ayyangar said: 'Don't do that.' He said: 'If you bring in a private Bill, you may not succeed so well as I will succeed with a Government Bill.' So said the late Sir Moir too. Now the Raja Sahib is taking Sir K. Srinivasa Ayyangar's line of reply, and says: 'My Friend Mr. Venkatachalam Chettiyar, don't do that. I will bring in a Bill and I shall satisfy the House. The zamindars will come down to please the tenants.' My Friend Mr. Sami Venkatachalam Chettiyar's bill may not include all the provisions that the tenants require now; and even if it does, those provisions may be thrown out by the other side. I would therefore request Mr. Chettiyar in the interests of the people whom he and I both represent, to drop this Bill now and wait for a month. If the Raja Sahib does not bring in his own Bill before then, we will all of us then join together and see that our friend's Bill is passed. I think more rights can be secured for the tenants by a Bill brought forward by the Raja Sahib. Already Mr. Ramdas Pantulu has said that any Bill contemplated or suggested by us will not even get the minimum privileges for the tenants. So, let us all wait for the Raja Sahib's Bill and support it. But if he does not bring it within one month, then we will support Mr. Sami Venkatachalam Chettiyar's Bill. I request Mr. Chettiyar to postpone the introduction of this Bill for a month.

"So far as the Justice Party is concerned, we have always stood for all the communities and for all classes. Ours is a religio-socio body, political and aristo-democratic party. If Mr. Muniswami Nayudu is to-day the leader of a party, it is of the Justice Democratic Party. If Dr. Subbarayan is to-day the leader of a party, it is of the Justice Nationalist Party (Laughter). So, all parties in the House belong to the Justice party. We can unite at any time we like; and so long as there are no obstructionists here, there is no new party. All belong to the same party. The Raja Sahib wants to safeguard the interests of all parties."

MR. ABDUL HAMEED KHAN:—"On a point of order, Mr. President. According to Standing Order No. 36, if a motion for leave to introduce is opposed, the President, after permitting a brief explanatory statement from the member who opposes the motion, may without further debate allow the question to be put."

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* The hon. the PRESIDENT:—"I am afraid the hon. Member woke up rather too late. I have already said that Standing Order does not apply to this particular motion."

Mr. ABDUL HAMEED KHAN:—"But this comes under 'legislation'."

* The hon. the PRESIDENT:—"Dr. Natesa Mudaliyar may continue his speech."

* Rao Bahadur C. NATESA MUDALIYAR:—"I was saying that all of us belong to the same party and hold the same political views, although we sit on opposite benches. Of course there may be some small differences, but as a party, the Justice party has revolutionized the whole presidency by its creed. Anybody who safeguards the interests of his own community is a Justice party man; and so, Mr. Chettiyaar is also a Justice party man as he spoke of safeguarding the interests of his community some time ago. My suggestion therefore is that we must all join together to bring forward a consolidated Bill. Let us wait for a month and we shall have a consolidated Bill which will be in the interests of the tenants and give them more privileges."

Mr. M. A. MUTHIAH CHETTIYAR:—"I move, Sir, that the question be now put."

* The hon. the PRESIDENT:—"The question is that the question 5 p.m. be now put."

The closure motion was put and declared lost.

A poll was demanded by Mr. Sami Venkatachalam Chettiyaar, and the House divided thus:

Ayes.

1 The hon. Sir Mahomed Usman.	25 Subadar-Major S. A. Nanjappa Bahadur.
2 " Diwan Bahadur Sir M. Krishnan Nayar.	26 Rao Sahib V. I. Muniswami Pillai.
3 " Sir Archibald Campbell.	27 Mr. M. Vedachala Mudaliyar.
4 " Mr. H. G. Stokes.	28 " B. P. Sesha Reddi.
5 " Diwan Bahadur S. Kumaraswami Reddiyar.	29 " P. C. Moses.
6 " Mr. P. T. Rajan.	30 " P. V. Rajagopal Pillai.
7 " the Raja of Bobbili.	31 " P. Bayappa Reddi.
8 Rao Bahadur G. Jagannadha Raju.	32 Khan Bahadur T. M. Moidoo Sahib Bahadur.
9 Mrs. K. Alamelumangathayaramma.	33 Mr. G. Lakshmana Reddi.
10 Mr. C. E. Jones.	34 Rao Sahib V. Dharmalingam Pillai.
11 " J. A. Thorne.	35 Zamindar of Mirzapuram.
12 " H. M. Hood.	36 " Bodinayakkanur.
13 " R. Madanagopal Nayudu.	37 Mr. M. A. Muthiah Chettiyaar.
14 " E. Conran Smith.	38 " A. V. Bhanoji Rao.
15 " T. Sundararao Nayudu.	39 " Daniel Thomas.
16 Khan Sahib Syed Tajuddin Sahib Bahadur.	40 Swami A. S. Sahajanandam.
17 Mr. M. D. T. Ranganatha Mudaliyar.	41 Mr. H. M. Jagannatham.
18 " V. M. Ramaswami Mudaliyar.	42 Rao Sahib P. Subrahmanyam Chetti.
19 Rao Bahadur A. T. Pannirselvam.	43 Rao Bahadur V. N. Viswanatha Rao.
20 Mr. K. C. M. Venkatachala Reddiyar.	44 Diwan Bahadur A. Appadurai Pillai.
21 " G. Ranganatha Mudaliyar.	45 Rao Sahib D. V. Narasimhaswami.
22 Rao Bahadur R. Srinivasan.	46 Pandit Ganala Ramamurti.
23 Mr. M. Devadasan.	47 Mr. A. Harischandrudu.
24 Rao Sahib N. Siva Raj.	48 " K. Kesavaramamurti.
	49 " S. M. K. Beyabani Sahib.
	50 " G. Simhachalam Pantulu.
	51 Rao Bahadur C. Natesa Mudaliyar.

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Ayes—cont.

- 52 Mr. C. Basu Dev.
 53 „ F. Birley.
 54 „ W. O. Wright.
 55 „ W. K. M. Langley.

- 56 Mr. W. W. Ladden.
 57 „ R. M. Palat.
 58 „ F. J. Stanes.

Noes.

- 1 Dr. P. Subbarayan.
 2 Mr. Yakub Hasan.
 3 „ K. R. Venkatarama Ayyar.
 4 „ T. C. Srinivasa Ayyangar.
 5 „ Sami Venkatachalam Chetti.
 6 „ T. S. Ramaswami Ayyar.
 7 „ V. T. Arasu.
 8 Khan Bahadur P. Khalif-ul-lah
 Sahib Bahadur.
 9 Mr. A. B. Shetty.
 10 „ Abdul Hameed Khan.
 11 „ Basheer Ahmed Sayeed.
 12 „ P. Peddiraju.
 13 „ Ahmed Meeran.

- 14 Mr. K. A. Nachiyappa Gounder.
 15 Diwan Bahadur B. Muniswami
 Nayudu.
 16 Mr. K. P. Raman Menon.
 17 „ G. R. Premayya.
 18 Sriman M. G. Patnaik Mahasayo.
 19 Mr. C. Indriah.
 20 „ J. Kuppuswami.
 21 „ Mahboob Ali Baig.
 22 „ P. V. Krishnayya.
 23 „ M. B. Rangaswami Reddi.
 24 „ G. Sriramulu.
 25 Rao Bahadur R. K. Venugopal
 Nayudu.

Ayes 58. Noes 25.

The motion was carried.

* The hon. the PRESIDENT:—"I will now put the hon. the Raja of Bobbili's motion to the vote of the House.

"The question is that the consideration of this business be adjourned to the next meeting of the Council."

The motion was put to the House and declared carried.

A poll was demanded, and the House divided thus:

Ayes.

- 1 The hon. Sir Mahomed Usman.
 2 „ Diwan Bahadur Sir M.
 Krishnan Navar.
 3 „ Sir Archibald Campbell.
 4 „ Mr. H. G. Stokes.
 5 „ Diwan Bahadur S. Kuma-
 raswami Reddiyar.
 6 „ Mr. P. T. Rajan.
 7 „ The Raja of Bobbili.
 8 Rao Bahadur G. Jagannadha Raju.
 9 Mrs. K. Alamelumangathayaramma.
 10 Mr. C. E. Jones.
 11 „ J. A. Thorne.
 12 „ H. M. Hood.
 13 „ R. Madanagopal Nayudu.
 14 „ E. Conran Smith.
 15 „ T. Sundararao Nayudu.
 16 Khan Sahib Syed Tajuddin Sahib
 Bahadur.
 17 Mr. M. D. T. Ranganatha Mudali-
 yar.
 18 Rao Bahadur A. T. Pannirselvam.
 19 Mr. K. C. M. Venkatachala Reddi-
 yar.
 20 „ G. Ranganatha Mudaliyar.
 21 Rao Bahadur R. Srinivasan.
 22 Mr. M. Devadasan.

- 23 Rao Sahib N. Siva Raj.
 24 Subadar-Major S. A. Nanjappa
 Bahadur.
 25 Rao Sahib V. I. Muniswami Pillai.
 26 Mr. M. Vedachala Mudaliyar.
 27 „ B. P. Sessa Reddi.
 28 „ P. C. Moses.
 29 „ P. V. Rajagopal Pillai.
 30 „ P. Bayappa Reddi.
 31 Khan Bahadur T. M. Moidoo Sahib
 Bahadur.
 32 Mr. G. Lakshmana Reddi.
 33 Rao Sahib V. Dharmalingam Pillai.
 34 Rao Bahadur V. N. Viswanatha Roa.
 35 Zamindar of Mirzapuram.
 36 „ Bodinayakkanur.
 37 Mr. M. A. Muthiah Chettiyar.
 38 „ A. V. Bhanoji Rao.
 39 „ Daniel Thomas.
 40 Swami A. S. Sahajanandam.
 41 Mr. H. M. Jagannatham.
 42 Rao Sahib P. Subrahmanyam Chetti.
 43 Diwan Bahadur A. Appadurai Pillai.
 44 Rao Sahib D. V. Narasimhaswami.
 45 Rao Sahib Pandit Ganala Rama-
 murti.

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Ayes—cont.

46 Mr. A. Harischandrudu.	52 Mr. C. Basu Dev.
47 „ K. Kesavaramamurti.	53 „ F. Birley.
48 „ S. M. K. Beyabani.	54 „ W. O. Wright.
49 „ G. Simhachalam.	55 „ R. Foulkes.
50 „ R. M. Palat.	56 „ W. K. M. Langley.
51 Rao Bahadur C. Natesa Mudaliyar.	57 „ W. W. Ladden.

Noes.

1 Dr. P. Subbarayan.	14 Mr. Ahmed Meeran.
2 Mr. Yakub Hasan.	15 „ K. A. Nachiyappa Gounder.
3 „ K. R. Venkatarama Ayyar.	16 Diwan Bahadur B. Muniswami Nayudu.
4 „ T. C. Srinivasa Ayyangar.	17 Mr. K. P. Raman Menon.
5 „ Sami Venkatachalam Chetti.	18 „ G. R. Premayya.
6 Khan Bahadur Mahmud Schamnad Sahib Bahadur.	19 Sriman M. G. Patnaik Mahasayo.
7 Mr. T. S. Ramaswami Ayyar.	20 Mr. C. Indriah.
8 „ V. T. Arasu.	21 „ J. Kuppuswami.
9 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.	22 „ Mahboob Ali Baig.
10 Mr. A. B. Shetty.	23 „ P. V. Krishnayya Choudari.
11 „ Abdul Hameed Khan.	24 „ M. B. Rangaswami Reddi.
12 „ Basheer Ahmed Sayeed.	25 „ G. Sriramulu.
13 „ P. Peddiraju.	26 Rao Bahadur R. K. Venugopal Nayudu.

Ayes 57. Noes 26.

The motion was carried.

The House then adjourned to meet again at 11 a.m. the next day.

VIII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. G.O. No. 680, *Development*, dated 7th June 1933, recording the audit report of the Government Industrial Institute, Madura, for the year ending 31st March 1932.

† 2. G.O. No. 2864, *L. & M.*, dated 17th July 1933, fixing the date of retirement of members of certain panchayats.

* 3. Statement showing additions and reductions in non-voted appropriations sanctioned during the year 1933.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

* Printed separately.

† Published in the Fort St. George Gazette.

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APPENDIX I.

[Vide answer to question No. 35 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st August 1933, page 70 supra.]

Proceedings of the meeting of the landholders of the Puttur taluk assembled in the Board Higher Elementary School, Puttur, dated 29th April 1933.

At the outset Mr. Kadaba Thimmayya Ariga proposed that M.R.Ry. A. B. Shetty Ayargal, M.L.C., do take the chair. The proposal was duly seconded by Mr. K. Govindayya and carried unanimously.

2. Mr. A. B. Shetty having taken the chair the Secretary explained the objects of the meeting. The following resolutions were then carried unanimously:—

- (1) Inasmuch as the prices of the important agricultural products of this taluk, namely, rice and arecanuts have gone down so much so that it is difficult even to pay the assessment in full by sale of the produce, it is hereby resolved that Government be requested to postpone the contemplated resettlement till the prices rise to the former level.
- (2) As the officials of the Settlement department get statements from village officials about changes of classifications of lands on account of improvements made thereon since the last settlement, this meeting prays that Government may be pleased to direct that similar returns be got by the settlement authorities of higher class lands which have deteriorated or are lying fallow since, and that assessment on such lands be reduced according to their present classifications and further pray the Government be pleased not to assess improvements effected on lands.
- (3) This meeting urges that the proposal contained in the report of the People's Committee appointed by the public of the Puttur taluk in 1931 to report on the condition of the sub-ghat villages in the taluk—that the sub-ghat villages forming a belt on the eastern part of the taluk may be constituted into a special group be favourably considered and action taken and concessions granted accordingly.
- (4) This meeting is grieved to hear that it is under contemplation to withdraw the few privileges granted to the public in respect of reserved forests and prays that Government may be pleased not to withdraw these privileges.

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- (5) As the pest called Koleroga to areca trees has appeared in some parts of this taluk and as the Agricultural department advice the spraying by " Bordeaux mixture " this meeting resolves that Government be requested to order free supply of the mixture recovering only the spraying charges from the garden planters concerned.
- (6) As bushes have grown in many a cattle-grazing area in reserve forests this meeting resolves that Government be requested to have such areas cleared of such growth to facilitate grazing under passes issued by the department.
- (7) This meeting prays that Government be pleased to delete " jack trees and tamarind trees " from the kind of trees required to constitute land as garden at settlement as the produce of such trees does not really bring any appreciable income to the landholders.
- (8) This meeting empowers the Secretary M.R.Ry. B. Mangesh Rao to communicate all the resolutions to the concerned authorities and authorizes him to carry on correspondence with them in pursuance thereof.

APPENDIX II.

[Vide answer to question No. 47 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st August 1933, page 78 supra.]

Press Communique of the Government of Madras, Public Department, dated Fort St. George, the 18th July 1933.

The attention of the Government has been drawn to inaccurate and misleading statements which have appeared in a section of the Press to the effect that the Government have issued instructions to their officers to discourage the movement for the uplift of the depressed classes. In the campaign now being conducted for the removal of untouchability an assertion of the right of temple entry is a prominent feature. The claim put forward on behalf of the depressed classes has given rise to a counter-movement generally known as the Sanatanist. In many places the movement and counter-movement have aroused considerable feeling and created a tense atmosphere in which clashes between the opposing partisans may at any time occur, necessitating the intervention of the officers of the Government to prevent breaches of the peace.

In these circumstances it is clearly inadvisable for the officers of the Government to associate themselves publicly with either the movement or counter-movement. Instructions to this effect have accordingly been issued, but to avoid all possibility of misunderstanding, the opportunity

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has been taken to restate the policy of the Government on certain questions affecting the uplift of the depressed classes in the following terms:—

“ The Government desire to reiterate that there is no statutory bar against the Depressed classes using the public streets, roads, wells, etc. The attention of the heads of departments is, in this connexion, invited to sections 180-A, 227-A and 259 of the Madras District Municipalities Act, 1920, sections 157-A and 167 of the Madras Local Boards Act, 1920, and to G.O. No. 2660, L. & M., dated the 25th September 1924, in which the Government accepted a resolution of the Legislative Council to the effect that there is no objection to any person or persons belonging to any class or community walking through any public road, street or pathway in any town or village and that there is no objection to any person belonging to the Depressed classes having access to the premises of any public office, well, tank or places of public resort or to places and building where public business is transacted in the same manner and to the same extent as persons belonging to the community of caste Hindus.”

G. T. H. BRACKEN,
Chief Secretary.

APPENDIX III.

[Vide answer to question No. 50 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 1st August 1933, page 81 supra.]

Statement showing the number of Sub-Inspectors and Deputy Superintendents of Police selected since January 1932.

Community.	Sub-Inspectors.	Deputy Superintendents of Police.
Non-Brahmans	15	1
Muhammadans	7	1
Anglo-Indians, Christians or Non-Asiatics	7	1
Brahmans	6	..
Depressed classes	4	..
Total ..	39	3

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APPENDIX IV.

[Vide item II at page 32 supra.]

BILL No. 25 OF 1931

A Bill further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned members of the Select Committee appointed to consider Mr. Birley's Bill to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920 (Bill No. 25 of 1931), have the honour to submit the following report.

2. The Bill was published in the *Port St. George Gazette* in English on the 17th November 1931.

3. We met on the 7th and 10th February 1933 at the Committee Room, Fort St. George, for the consideration of the Bill, and on the 10th March we passed our report.

4. We are satisfied that it is necessary to place a maximum limit on the amount of licence fee leviable by local bodies on motor vehicles plying within their territorial limits. After considering various alternative suggestions and the recommendations made by the Special Committee appointed by the Local Government to consider the subject of taxation of motor vehicles in this province, we have arrived at the following decisions:—

(i) As regards motor vehicles carrying passengers for hire, we think that the rate of fee should be fixed with reference to the number of passengers exclusive of the driver and the conductor, which the motor vehicle is intended to carry. In the case of district municipalities, we consider that annas twelve per seat for each quarter or portion thereof of a year, would be a reasonable maximum. In the case of district boards, we consider that Rs. 7-8-0 would be a reasonable maximum.

In the case of motor vehicles which are to be used for hire within the jurisdiction of more than one local body the following principles will apply:—

(a) Every district municipality will be entitled to levy a fee on a motor vehicle in accordance with the

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rates prescribed by the regulations in force in the municipality whether the motor vehicle which is licensed by it is used for hire within the limits of any other local body or not;

(b) where a motor vehicle is used for hire within the limits of more than one district, the district board to which an application for licence is first made will be entitled to levy the full licence fee payable under its regulations. We have made it obligatory that an application for licence should first be made to the district board of the district in which the motor vehicle is garaged;

(c) where an application for a licence in respect of a motor vehicle has already been made to one district board and a subsequent application for licence is made to the district board of another district, the latter will be entitled to levy only two-thirds of the licence fee payable under the regulations in force in its area less one-third of the licence fee already paid to the district board to which the first application was made. The first mentioned district board will pay one-third of the licence fee collected by it to the other district board. Every district board to which a subsequent application for licence is made can levy two-thirds of the licence fee payable under its own regulations.

(ii) As regards lorries, we think that a distinction should be made between a lorry plying for hire and one not plying for hire. With reference to the latter, both in the case of municipalities and in the case of district boards a fixed fee of Re. 1-4-0 per quarter should be levied and this fee should be payable to every local body within whose area it is used. In the case of a motor lorry plying for hire, we consider that a fee graduated in accordance with the unladen weight of a motor vehicle will be the proper fee. The rates which we have fixed will be found in the body of the Bill annexed. If a motor lorry plies for hire within the jurisdiction of more than one local body, the fee will be regulated in accordance with the procedure prescribed for vehicles carrying passengers for hire.

5. The subject of licence fees leviable by local bodies on motor vehicles is one of great difficulty, but we consider that the proposals we have embodied in the Bill are as satisfactory as any that can be devised.

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6. A copy of the Bill as amended by us is enclosed.
7. We consider that it is necessary to republish the Bill.

ABDUL HAMEED KHAN.

R. RANGA RAO (Hon. the Raja of Bobbili).

E. CONRAN SMITH.

F. G. LUKER.

F. BIRLEY.

SAMI VENKATACHALLAM CHETTI.

BASHEER AHMED SAYEED.

T. M. MOIDOO.

B. P. SESA REDDY.

* B. MUNISAMI NAIDU.

FORT ST. GEORGE,
10th March 1933.

* Subject to a note.

Note.

I am in favour of the principle of the Bill. But I think the rates proposed as maxima should be increased.

B. MUNISAMI NAIDU.

[Changes made by the Select Committee are shown in clarendon type.]

A Bill **further** to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes.

BILL No. 25 OF 1931.

[As amended by Select Committee.]

WHEREAS it is expedient **further** to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras District Municipalities and Local Boards (Amendment) Act, 1933.

Madras Act
V of 1920.
Madras Act
XIV of
1920.

Short title
and
commence-
ment.

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(2) It shall come into force on such date as the Local Government may, by notification in the "Fort St. George Gazette," appoint.

Amendment
of section
174-A,
Madras Act
V of 1920.

2. In section 174-A of the Madras District Municipalities Act, 1920—

(i) sub-section (5) shall be omitted and sub-section (4) shall be renumbered as sub-section (5); and

(ii) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

" (2) The Municipal Council may, with the previous approval of the Local Government, make regulations specifying the fees on payment of which, and the other conditions (including the rates of fares for passengers and of freight for goods which may be charged) subject to which, such licences may be granted.

(3) The fees chargeable under sub-section (2) shall not exceed the following maxima, namely:—

- | | |
|--|--|
| (a) in the case of a twelve annas per seat motor vehicle carrying passengers for hire. | (excluding the seat for the driver and the seat for the conductor for each quarter or portion thereof; |
| (b) in the case of a one rupee four annas for motor lorry not plying for hire. | each quarter or portion thereof; and |
| (c) in the case of a twenty-five rupees for motor lorry plying for hire— | each quarter or portion thereof; |
| (i) not exceeding 30 cwt. in weight, unladen. | |
| (ii) exceeding 30 cwt. but not exceeding 50 cwt. in weight, unladen. | thirty rupees for each quarter or portion thereof; |
| (iii) exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen. | forty rupees for each quarter or portion thereof; |

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- (iv) exceeding 70 cwt. fifty rupees for each quarter or portion thereof; and
- (v) additional fee ten rupees for each trailer for each quarter or portion thereof.
- in weight, unladen.
- chargeable in respect of such lorry if it is used for drawing trailers.

Explanation.—The expressions ‘quarter,’ ‘trailer’ and ‘unladen weight’ in this sub-section shall have the same meaning as in the Madras Motor Vehicles Taxation Act, 1931.

Madras Act
III of
1931.

(4) Licences may be granted for one or more quarters at a time, provided that the period shall in no case extend beyond the expiry of the year to which it relates.”

3. In section 166 of the Madras Local Boards Act, 1920—

Amendment
of section
166, Madras
Act XIV of
1920.

(i) sub-section (6) shall be omitted and sub-section (5) shall be renumbered as sub-section (6);

(ii) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

“(2) The district board may, with the previous approval of the Local Government, make regulations specifying the fees on payment of which, and the other conditions (including the rates of fares for passengers and of freight for goods which may be charged) subject to which, such licences may be granted.

(3) The fees chargeable under sub-section (2) shall not exceed the following maxima, namely:—

- (a) in the case of a motor vehicle carrying passengers for hire. seven rupees eight annas per seat (excluding the seat for the driver and the seat for the conductor, if any), for each quarter or portion thereof;
- (b) in the case of a motor lorry not plying for hire. one rupee four annas for each quarter or portion thereof;

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(c) in the case of a motor lorry plying for hire—

- | | |
|--|--|
| (i) not exceeding 30 cwt. in weight, unladen. | one hundred rupees for each quarter or portion thereof; |
| (ii) exceeding 30 cwt. but not exceeding 50 cwt. in weight, unladen. | one hundred and ten rupees for each quarter or portion thereof; |
| (iii) exceeding 50 cwt. but not exceeding 70 cwt. in weight, unladen. | one hundred and twenty rupees for each quarter or portion thereof; |
| (iv) exceeding 70 cwt. in weight, unladen. | one hundred and sixty rupees for each quarter or portion thereof; and |
| (v) additional fee chargeable in respect of such lorry if it is used for drawing trailers. | twenty-five rupees for each trailer for each quarter or portion thereof. |

Explanation.—The expressions ‘quarter,’ ‘trailer’ and ‘unladen weight’ in this sub-section shall have the same meaning as in the Madras Motor Vehicles Act, 1931.

(4) The following special provisions shall apply in respect of the licence fees chargeable under sub-section (2) for motor vehicles to be used for hire within the limits of more than one district:—

(i) There shall be paid to the district board of the district in respect of which the application for licence is first made, the full licence fee payable under the regulations of that district board.

Explanation.—Where the motor vehicle is garaged in one of the districts, the application for licence shall first be made to the district board of that district.

(ii) There shall be paid to the district board of the district in respect of which the application for licence is next made, two-thirds of the licence fee payable under the regulations of that district

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board, diminished by one-third of the licence fee paid to the district board of the district referred to in clause (i).

(iii) The district board referred to in clause (i) shall pay one-third of the licence fee received by it under that clause to the district board of the district referred to in clause (ii).

(iv) There shall be paid to the district board of every other district two-thirds of the licence fee payable under the regulations of the district board of such district.

(5) Licences may be granted for one or more quarters at a time, provided that the period shall in no case extend beyond the expiry of the year to which it relates."



